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STATUTORY INSTRUMENTS

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**1985 No. 1204**

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

**PART III**

**GAMING**

**CHAPTER III**

**GAMING BY WAY OF A GAMING MACHINE**

*Gaming machines on other premises*

***Gaming machines restricted from certain premises***

**107.**—(1) A court of summary jurisdiction may, on an application by the sub-divisional commander of the police sub-division in which bingo club premises or premises licensed under the<sup>[F1]</sup> Licensing (Northern Ireland) Order 1996<sup>[F2]</sup> or a licensed office]] are situated declare that the bingo club premises or<sup>F2</sup>. . . the licensed premises<sup>[F2]</sup> 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<sup>F2</sup>. . . the holder of the licence granted under<sup>[F1]</sup> that Order of 1996]]<sup>[F2]</sup> 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<sup>[F1]</sup> that Order of 1996], on the application of the holder of the licence under<sup>[F1]</sup> that Order],<sup>[F2]</sup> and]

<sup>[F2]</sup>(c) in the case of a licensed office, on the application of the licensed bookmaker,]  
cancel the declaration.

(6) An application under paragraph (5) shall not be made during the period of 2 years from the date on which—

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- (a) the declaration under paragraph (1) takes effect; or
- (b) a previous application under paragraph (5) was made to the court.

(7) An applicant under paragraph (5) shall serve on the sub-divisional commander mentioned in paragraph (1) notice of the application under paragraph (5).

(8) Where the court makes a declaration under paragraph (1) or cancels the declaration under paragraph (5) the clerk of petty sessions shall note the declaration or, as the case may be, the cancellation—

- (a) in the case of bingo club premises, on the bingo club licence; and
- (b) in the case of premises licensed under<sup>[F1]</sup> that Order of 1996], on the licence granted under<sup>[F1]</sup> that Order] and in the register kept under<sup>[F1]</sup> Article 34 of that Order] in respect of the licence.<sup>[F2]</sup> and]

<sup>[F2]</sup>(c) in the case of a licensed office, on the bookmaking office licence.]

**F1** 1996 NI 22

**F2** 2004 NI 1

### *Use of gaming machines on other premises*

**108.**—(1) The conditions specified in the following provisions of this Article shall be observed where, in pursuance of the exception in Article 95(1)(b), a gaming machine is used for gaming—

- (a) on any bingo club premises in respect of which a court of summary jurisdiction has given a direction under Article 63(9) or, as the case may be, Article 68(6)(a);
- (b) on such licensed premises within the meaning of the<sup>[F3]</sup> Licensing (Northern Ireland) Order 1996] as may be prescribed by regulations;

<sup>[F4]</sup>(ba) on any licensed office;]

<sup>[F4]</sup>(c) on any premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of this sub-paragraph;

(ca) on any premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of this sub-paragraph;]

(d) at a travelling showmen's pleasure fair.

(2) Not more than the number of gaming machines specified by a court of summary jurisdiction in a direction under Article 63(9) or, as the case may be, Article 68(6)(a) in respect of any bingo club premises shall be made available for gaming on those bingo club premises.

(3) Gaming machines shall not be made available for gaming on bingo club premises on any <sup>[F5]</sup>Christmas Day].

(4) Where a county court, or as the case may be, a court of summary jurisdiction gives a direction under<sup>[F3]</sup> Article 7(13) or, as the case may be, Article 15(6) of the Licensing (Northern Ireland) Order 1996] in respect of any licensed premises within the meaning of<sup>[F3]</sup> that Order] not more than the number of gaming machines specified in that direction shall be made available for gaming on those licensed premises.

<sup>[F6]</sup>(4ZA) Gaming machines shall not be made available in any part of licensed premises within the meaning of the Licensing (Northern Ireland) Order 1996 in which an authorisation under Article 58B of that Order (underage functions) is in force during the period for which it is in force.]

<sup>[F4]</sup>(4A) Not more than 2 gaming machines (or such other number as the Department may specify, by order subject to affirmative resolution) shall be made available for gaming on any licensed office.]

(5) In the case of a travelling showmen's pleasure fair the opportunity to win prizes by means of amusements which constitute gaming (whether by use of gaming machines or otherwise) shall not constitute the only, or the only substantial, inducement to persons to attend the fair.

(6) The charge for playing a game once by means of the gaming machine shall be 1 or more coins inserted in the gaming machine of an amount or value not exceeding (or, if more than 1, not in the aggregate exceeding)

[<sup>F4</sup>(a) £0.30 in respect of a gaming machine where the condition specified in paragraph (7) applies; or

[<sup>F7</sup>(b) in respect of a gaming machine where the condition in paragraph (8)(a) applies, £0.30;

(c) in respect of a gaming machine where the condition in paragraph (8)(b) applies, £0.30;

(d) in respect of a gaming machine where the condition in paragraph (8)(c) applies, £0.30;

(e) in respect of a gaming machine where the condition in paragraph (8)(d) applies, £0.30.]]

(7) [<sup>F8</sup>In respect of any one game played by means of a gaming machine installed on premises such as are mentioned in paragraph (1)(c) or (d)] no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than 1 (and only 1) of the following, that is to say—

(a) a money prize not exceeding[<sup>F4</sup> £8];

(b) a non-monetary prize or prizes of a value or aggregate value not exceeding[<sup>F9</sup> £8] or a token or tokens exchangeable only for such a non-monetary prize or such non-monetary prizes;

[<sup>F4</sup>(c) a money prize together with a non-monetary prize of an aggregate value not exceeding £8 or a token or tokens exchangeable only for such a combination of a money prize and a non-monetary prize]

<sup>F10</sup>(7A) .....

[<sup>F11</sup>(8) In respect of any one game played by means of a gaming machine installed on any other premises mentioned in paragraph (1), 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 delivered by the machine of an amount not exceeding—

(a) in the case of a machine installed on bingo club premises, £25;

(b) in the case of a machine installed on licensed premises, £25;

(c) in the case of a machine installed on a licensed office, £25;

(d) in the case of a machine installed on premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of paragraph (1)(ca), £25.]

<sup>F12</sup>(8A) .....

(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 [<sup>F13</sup>not exceeding—

(i) in relation to a machine to which paragraph (7) applies, £8; or

(ii) in relation to a machine to which a sub-paragraph of paragraph (8) applies, the amount specified in that sub-paragraph, delivered by the machine; and]

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- (b) he does not receive and is not entitled to receive, any other benefit or advantage apart from the opportunity to play the further game or games.
- (10) In relation to any gaming machine used on any premises mentioned in paragraph (1), regulations may—
- (a) make provision as to the amount which that machine shall pay out;
  - (b) require the display of such information in such form and manner and at such intervals as may be prescribed by regulations.
- (11) Where any of the provisions of this Article or of any regulations made under this Article is contravened,—
- (a) in a case falling within paragraph (1)(a), (b)<sup>[F4]</sup>, (ba)<sup>[F4]</sup>, (c) or (ca)], the holder of the bingo club licence or the holder of the licence for the sale of intoxicating liquor or<sup>[F4]</sup> the licensed bookmaker or] the holder of the amusement permit, as the case may require,
  - (b) in a case falling within paragraph (1)(d) the person in charge of the gaming machine,
- shall be guilty of an offence.
- (12) Where any of the provisions of this Article or of any regulation made under this Article is contravened in relation to a gaming machine on bingo club premises, any person who allowed the gaming machine to be on the bingo club premises shall be guilty of an offence.
- (13) In any proceedings for an offence under paragraph (11) or (12) it shall be a defence for any person charged to prove—
- (a) that the contravention occurred without his knowledge, and
  - (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.
- (14) Where any of the provisions of this Article or of any regulations made under this Article is contravened in relation to a gaming machine, then (without prejudice to any liability of any other person under paragraph (11) or (12)) any person who, knowing or having reasonable cause to suspect that the provision in question would be contravened in relation to the gaming machine, supplied the gaming machine shall be guilty of an offence.
- (15) In this Article “non-monetary prize” means a prize which does not consist of or include any money and does not consist of or include any token which can be exchanged for money or money’s worth.
- (16) The Department may, by order subject to affirmative resolution, substitute for any amount in this Article such other amount as may be specified in the order.

**F3** 1996 NI 22

**F4** 2004 NI 1

**F5** Words in art. 108(3) substituted (27.4.2022) by [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 14), **ss. 6(2)**, 17(2)

**F6** Art. 108(4ZA) inserted (6.4.2022) by [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021](#) (c. 7), **ss. 14(7)**, 47(2); S.R. 2022/63, art. 2, Sch.

**F7** Art. 108(6)(b)-(e) substituted for art. 108(6)(b) (27.4.2022) by [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 14), **ss. 8(2)**, 17(2)

**F8** Words in art. 108(7) substituted (27.4.2022) by [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 14), **ss. 8(3)**, 17(2)

**F9** SR 1995/442

**F10** Art. 108(7A) omitted (27.4.2022) by virtue of [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 14), **ss. 8(4)**, 17(2)

**F11** Art. 108(8) substituted (27.4.2022) by [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 14), **ss. 8(5)**, 17(2)

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- F12** Art. 108(8A) omitted (27.4.2022) by virtue of [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 14\), ss. 8\(6\), 17\(2\)](#)
- F13** Words in art. 108(9)(a) substituted (27.4.2022) by [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 14\), ss. 8\(7\), 17\(2\)](#)

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

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

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

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

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

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