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STATUTORY INSTRUMENTS

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**1997 No. 950**

**DEREGULATION**

**The Deregulation (Casinos) Order 1997**

*Made* - - - - - *6th March 1997*

*Coming into force* - - - - - *3rd April 1997*

Whereas—

- (a) the Secretary of State is of opinion that certain provisions of the Licensing Act 1964<sup>(1)</sup> and the Gaming Act 1968<sup>(2)</sup> impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending the provisions concerned it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) the Secretary of State has consulted such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament in accordance with section 3 of the Deregulation and Contracting Out Act 1994<sup>(3)</sup> and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) the Secretary of State has had regard to representations made during the period;
- (f) a draft of this Order has been laid before Parliament with a Statement giving details of such representations and the changes to the Secretary of State's proposals in the light of those representations;
- (g) a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order:

**Citation, commencement and extent**

- 1.—(1) This Order may be cited as the Deregulation (Casinos) Order 1997.
- (2) This Order shall come into force 28 days after it is made.

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(1) 1964 c. 26.  
(2) 1968 c. 65.  
(3) 1994 c. 40.

(3) Articles 2 and 3 of this Order do not extend to Scotland or Northern Ireland; article 4 does not extend to Northern Ireland.

### **Special hours certificates for casinos**

**2.** In section 77 of the Licensing Act 1964 (special hours certificates for licensed premises), for paragraphs (a) and (b) there shall be substituted—

- “(a) that the premises are—
  - (i) casino premises, or
  - (ii) premises for which a music and dancing licence is in force, and
- (b) that the whole or any part of the premises is structurally adapted, and bona fide used, or intended to be used, for the purpose of providing for persons resorting to the premises—
  - (i) in the case of casino premises, gaming facilities and substantial refreshment, and
  - (ii) in the case of any other premises, music and dancing and substantial refreshment,to which the sale of intoxicating liquor is ancillary.”.

### **Provisional grant of special hours certificates for casinos**

**3.—(1)** Section 77A of the Licensing Act 1964(4) (provisional grant of special hours certificates for licensed premises) shall be amended as follows.

(2) In subsection (1), for paragraph (a) there shall be substituted—

- “(a) that the premises are—
  - (i) casino premises, or
  - (ii) premises for which a music and dancing licence is in force.”.

(3) In paragraph (b) of that subsection, for the words from “music” to the end there shall be substituted—

- “(i) in the case of casino premises, gaming facilities and substantial refreshment, and
- (ii) in the case of any other premises, music and dancing and substantial refreshment,

to which the sale of intoxicating liquor is ancillary.”.

(4) In subsection (3), for paragraph (b) there shall be substituted—

- “(b) that they are, or are part of—
  - (i) casino premises, or
  - (ii) premises for which a music and dancing licence is in force;”.

### **Amendments consequential on articles 2 and 3**

**4.—(1)** Part III of the Licensing Act 1964 shall be amended as follows.

(2) In section 76 (permitted hours where special hours certificate in force), in subsection (2),—

- (a) in paragraph (a), after “not” there shall be inserted “or, in the case of casino premises, gaming facilities are not”,
- (b) in paragraph (b), after “end” in the first place where it occurs there shall be inserted “or, in the case of casino premises, gaming ends”, and

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(4) Section 77A was inserted by the Deregulation (Special Hours Certificates) Order 1996 (S.I.1996/977).

- (c) after “end” in the third place where it occurs in that paragraph there shall be inserted “or, as the case may be, when the gaming ends”.
- (3) In section 80 (special hours certificates limited to particular days or parts of the year), after subsection (1), there shall be inserted—
- “(1A) Where a special hours certificate is granted for any premises or part of premises which —
- (a) are, or are part of, casino premises; and
  - (b) are used or intended to be used only on particular weekdays for the provision of gaming facilities and substantial refreshment,
- the certificate shall be limited to those days in the week on which it is shown to the satisfaction of the licensing justices that gaming facilities and refreshment are, or are intended to be, provided as required by section 77 or 77A of this Act.”.
- (4) In section 81 (revocation of special hours certificates)—
- (a) in subsection (1), for the words from “no music” to the end there shall be substituted “there is not also in force for the premises to which or part of which the certificate relates—
    - (a) where the special hours certificate is granted by virtue of section 77(a)(i) or 77A(3)(b)(i) of this Act, a licence under the Gaming Act 1968, and
    - (b) where the special hours certificate is granted by virtue of section 77(a)(ii) or 77A(3)(b)(ii) of this Act, a music and dancing licence or, as the case may be, a certificate under section 79 of this Act,

the special hours certificate shall thereby be revoked.”;

  - (b) in subsection (2), for the words from “the purpose of dancing” to “liquor”, there shall be substituted “an appropriate purpose”; and
  - (c) after that subsection there shall be inserted—
    - “(2A) For the purposes of subsection (2) of this section, the following are appropriate purposes—
      - (a) in the case of casino premises, gaming and the obtaining of refreshments other than intoxicating liquor,
      - (b) in the case of any other premises, dancing and the obtaining of such refreshments”.
- (5) In section 83 (supplementary provisions), in subsection (2), after “refreshment” there shall be inserted “or, as the case may be, gaming facilities and refreshment”.
- (6) In that section, there shall be inserted at the end—
- “(3) References in those sections to gaming are to gaming within the meaning of the Gaming Act 1968, otherwise than by means of any machine to which Part III of that Act applies.
  - (4) For the purposes of those sections, premises are casino premises if a licence under the Gaming Act 1968 is in force in relation to them and they are not premises to which section 20 of that Act applies (bingo club premises).”.

#### **Reduction in waiting time for members' gaming**

- 4.—(1) The Gaming Act 1968 shall be amended as follows.
- (2) In section 12(3) (requirements for membership of gaming clubs) for the words “forty-eight hours” in each place where they occur there shall be substituted the words “twenty-four hours”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) In section 20(5)(a) (special provisions as to bingo clubs) the words “and for the words “forty-eight hours” there were substituted the words “twenty-four hours,”” shall be omitted.

Home Office  
6th March 1997

*Timothy Kirkhope*  
Parliamentary Under-Secretary of State

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Licensing Act 1964 to provide for licensing justices to grant special hours certificates for casinos. It also amends the Gaming Act 1968 to reduce the waiting time for membership of gaming clubs from 48 hours to 24 hours.