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*Status: Point in time view as at 15/11/2010.*

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## STATUTORY INSTRUMENTS

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# 1985 No. 1204

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

### PART II

### BETTING

#### *Licensing of bookmaking offices*

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

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

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

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

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

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

- (a) who is disqualified by Article 7(5) for holding or obtaining a bookmaker's licence, or
- (b) in respect of whom there is in force a disqualification order under Article 30 or 53,

is void.

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

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

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

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

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

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**Grant of bookmaking office licences**

12.—(1) An application for the grant of a bookmaking office licence shall be made to a<sup>F1</sup> county court].

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

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

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

- (a) that the procedure relating to the application set out in Schedule 2 has been complied with; and
- (b) that the applicant is a licensed bookmaker; and
- (c) that the applicant is not a person in respect of whom a disqualification order in respect of bookmaking office licences under Article 30 or 53 is in force; and
- (d) that the premises are not premises in respect of which a disqualification order under Article 30 is in force; and
- (e) <sup>F2</sup> .....
- (f) that the applicant owns the premises either in fee simple or for a term of years of which at least 21 are unexpired at the date of the application; and
- (g) that the premises will not injuriously affect, or be detrimental to, the interests of persons attending a place of worship, a religious institution, a school or premises habitually used by members of a youth organisation in the vicinity of the premises; and
- (h) that the premises do not form part of licensed premises within the meaning of the<sup>F3</sup> Licensing (Northern Ireland) Order 1996]; and

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

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

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

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

- (a) that the premises are not suitable as a licensed office; or
- (b) that the applicant has been convicted of an offence under this Part<sup>F1</sup> or Chapter III of Part III] or Part I of the Betting and Lotteries Act (Northern Ireland) 1957.

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

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

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

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| <b>F1</b> | 2004 NI 1   |
| <b>F2</b> | Art. 12(4)(e) repealed (15.11.2010) by <a href="#">Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9))</a> , arts. 1(3), 63(2), <b>Sch. 4</b> (with art. 62); S.R. 2010/328, <b>art. 2</b> |
| <b>F3</b> | 1996 NI 22  |

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

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

- (a) shall make such alterations in the licensed office as the court may specify, being alterations which the court thinks necessary to ensure that the premises are suitable for use as a licensed office; and
- (b) shall deposit with the<sup>F4</sup> chief clerk] a plan of the premises showing the alterations so specified.

(2) Notice of any alteration required under paragraph (1) shall be served by the<sup>F4</sup> chief clerk] on the person whose name has been notified to the court as the owner of the premises.

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

(4) A bookmaking office licence granted conditionally under this Article shall, unless it is revoked or is a licence to which a disqualification order under Article 30 or 53 applies or it ceases to be in force under Article 173, remain in force from the date on which it is granted until the expiration of the period fixed by the court under paragraph (1) or any extended period and the<sup>F4</sup> chief clerk or, as the case may be, the clerk] shall note the date of that expiration on the licence.

(5) A<sup>F4</sup> county court], on the application of the licensed bookmaker, shall declare the grant of a bookmaking office licence to be unconditional, if it is satisfied that alterations to the licensed office have been completed in accordance with the plans deposited with the<sup>F4</sup> chief clerk] under paragraph (1)(b) and the<sup>F4</sup> chief clerk] shall amend the licence accordingly.

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| <b>F4</b> | 2004 NI 1 |
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### ***Provisional grant of bookmaking office licences***

**14.**—(1) Where premises are about to be constructed, altered or extended or are in the course of construction, alteration or extension, an application may be made to a<sup>F5</sup> county court] for the provisional grant of a bookmaking office licence for those premises.

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

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

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

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- (a) any reference in paragraphs (3) to (8) to the grant of a bookmaking office licence were a reference to the provisional grant of such a licence; and
  - (b) where the application relates to premises about to be constructed or in the course of construction, any reference in paragraphs (4)(f) to (k), (6) and (7) to the premises were a reference to the proposed premises and paragraph (4)(d) <sup>F6</sup> . . . were omitted.
- (5) A bookmaking office licence which is provisionally granted shall not authorise a licensed bookmaker to carry on the business of a bookmaker in the premises until the grant of the licence is declared final.
- (6) At any time before a licence which has been provisionally granted is declared final, a<sup>F5</sup> county court] may consent to any modification of the plans deposited under Part I of Schedule 2 as modified by Part II of that Schedule if, in its opinion, the premises, when completed in accordance with the modified plans, will be suitable to be licensed as a bookmaking office and, if it does so, it shall require a copy of the modified plans to be deposited with the<sup>F5</sup> chief clerk].
- (7) Where a bookmaking office licence has been granted provisionally for any premises, on the application of the licensed bookmaker, a<sup>F5</sup> county court] shall, subject to paragraph (9), declare the grant of the licence final, if it is satisfied—
- (a) that the premises have been completed in accordance with the plans deposited under Part I of Schedule 2 as modified by Part II of that Schedule or in accordance with those plans with modifications consented to under paragraph (6); and
  - (b) <sup>F7</sup> . . . . .
- (8) The procedure for applications to have the provisional grant of bookmaking office licences declared final is set out in Part III of Schedule 2.
- (9) A<sup>F5</sup> county court] shall not entertain an application made under paragraph (7) after the expiration of 2 years from the date on which the licence was granted provisionally, unless the applicant satisfies the court that there were reasonable grounds for the failure to complete the construction, alteration or extension of the premises within that period.
- (10) Where the provisional grant of a licence is declared final the<sup>F5</sup> chief clerk] shall note the declaration on the licence.

**F5** 2004 NI 1  
**F6** Words in art. 14(4)(b) repealed (15.11.2010) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(2), **Sch. 4** (with art. 62); S.R. 2010/328, **art. 2**  
**F7** Art. 14(7)(b) repealed (15.11.2010) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(2), **Sch. 4** (with art. 62); S.R. 2010/328, **art. 2**

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

- 15.—(1) A bookmaker's licence shall be in such form as may be prescribed by regulations and shall specify—
- (a) the name and address of the holder of the licence;
  - (b) such other matters as may be so prescribed.
- (2) A bookmaking office licence shall be in such form as may be prescribed by regulations and shall specify—
- (a) the name and address of the holder of the licence;
  - (b) the address of the licensed office;
  - (c) the name and address of the owner of the licensed office;

(d) such other matters as may be so prescribed.

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

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

(4) Where, at the hearing of an application for the grant of a bookmaker's licence or a bookmaking office licence, any person appears before the court and opposes the grant, but the court grants the licence—

- (a) until the expiry of the time for bringing an appeal against the grant and, if an appeal is brought, until the grant is confirmed or the appeal is abandoned, the licence granted shall not come into force;
- (b) if on appeal the grant is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the licence is to be in force the date when the appeal is disposed of shall be substituted for the date on which the licence was granted and the<sup>F8</sup> chief clerk or, as the case may be, the clerk] shall (if necessary) amend the licence accordingly.

(5) Where a bookmaking office licence granted conditionally is at any time declared unconditional paragraph (3), other than sub-paragraph (b), shall apply as if the licence were granted at that time.

(6) Where a bookmaking office licence granted provisionally is at any time declared final paragraphs (3) and (4) shall apply as if the licence were granted at that time.

(7) Paragraph (3) shall not prejudice the operation of Articles 21 and 29 under which a bookmaker's licence and a bookmaking office licence may continue in force after the time when they would otherwise expire.

(8) Where at any time—

- (a) a licensed bookmaker dies or is adjudged bankrupt, or his business becomes vested in the official assignee (whether before or after his death) without his being so adjudged or becomes vested in a trustee under a deed of arrangement with his creditors, or a receiver of his property or a committee or guardian is appointed with power to manage the business; or
- (b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;

except for the purposes of the renewal of the licence, the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, trustee under the deed, receiver, committee, guardian or liquidator shall be deemed to be the licensed bookmaker and—

- (i) subject to sub-paragraph (ii), any bookmaker's licence and bookmaking office licence held by the licensed bookmaker shall, where they would otherwise expire under this Article or Article 22(1), continue in force until the end of a period of 6 months from that time unless the licences are revoked or are licences to which a disqualification order under Article 30 or 53 applies or the licences cease to be in force under Article 173;
- (ii) a court of summary jurisdiction may on the application of the person deemed to be the licensed bookmaker, extend the period for which those licences continue to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.

(9) Where a licensed bookmaker dies and he has no personal representative or his personal representative is unwilling or unable to act, any bookmaker's licence and bookmaking office licence

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held by the licensed bookmaker shall, unless the licences are revoked or are licences to which a disqualification order under Article 30 or 53 applies or the licences cease to be in force under Article 173, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the business carried on under the licences until—

- (a) the expiration of a period of 2 months from the date of his death, or
- (b) paragraph (8) becomes applicable by reason of the appointment of a personal representative,

whichever first occurs.

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

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

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

**F8** 2004 NI 1

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