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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 II

GAMING ON BINGO CLUB PREMISES

*Gaming to which Chapter II applies*

60. This Chapter applies to—
- (a) gaming by way of bingo,
  - (b) gaming to which Article 77 applies,

which takes place on bingo club premises and which is not gaming by means of a gaming machine.

*Bingo club licences*

*Persons to whom bingo club licences may be granted*

61.—(1) The person to whom a bingo club licence is granted shall be the owner of the bingo club proposed to be carried on under the bingo club licence.

(2) A bingo club licence may be granted to an individual, to a body corporate, or to 2 or more persons carrying on business in partnership.

(3) In considering the fitness of a person to hold a bingo club licence, 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 bingo club to which the application relates would be managed, or for whose benefit, if a licence were granted, gaming would be organised;

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, that gaming on the premises of the bingo club will be fairly and properly conducted, and that those premises will be conducted without disorder or disturbance.

(4) In considering the fitness of a body corporate to hold a bingo club licence, a court shall also have regard to the character, reputation and financial standing of the directors of the body corporate

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and any other persons who have executive control of it or who have a financial interest in it, as if the licence were, or were proposed to be, held by them jointly.

[<sup>F1</sup>(4A) In considering the fitness of any applicant to hold a bingo club licence, a court shall have regard to—

- (a) any failure of the applicant or of any other person mentioned in paragraph (3)(b); and
- (b) where the applicant is a body corporate, any failure of any director of the applicant or of any other person mentioned in paragraph (4);

to pay any amount due from him or it by way of bingo duty.]

(5) Subject to paragraph (6), the following persons shall be disqualified for obtaining or holding a bingo club licence—

- (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 bingo club licence;
- (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.

(6) For the purposes of paragraph (5) 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.

(7) A bingo club licence purporting to be held by any person—

- (a) who is disqualified by paragraph (5) for holding or obtaining such a licence, or
- (b) in respect of whom there is in force a disqualification order under Article 74 or 79,

is void.

**F1** 1986 c. 41

### ***Premises for which bingo club licences may be granted***

**62.**—(1) The premises in which bingo is authorised by a bingo club licence shall be the premises of a bingo club.

(2) Any bingo club premises for which there is in force a disqualification order under Article 74 or 79 shall not be premises for which a bingo club licence may be granted.

(3) In considering the suitability of premises for use as bingo club premises, 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 bingo club licence, to the location of the premises.

(4) Any bingo club licence purporting to be held by any person in respect of premises for which there is in force a disqualification order under Article 74 or 79 is void.

### ***Grant of bingo club licences***

**63.**—(1) An application for the grant of a bingo club licence shall be made to a court of summary jurisdiction.

- (2) The procedure for applications for the grant of bingo club licences is set out in Schedule 9.
- (3) On an application for the grant of a bingo club licence the court shall hear the objections, if any, made under Schedule 9.
- (4) A court shall, subject to paragraphs (5) and (7), refuse an application for the grant of a bingo club licence unless it is satisfied—
- (a) that the procedure relating to the application set out in Schedule 9 has been complied with; and
  - (b) that the applicant is a fit person to hold a bingo club licence; and
  - (c) that the applicant is not a person in respect of whom a disqualification order under Article 74 or 79 is in force; and
  - (d) that the premises are not premises in respect of which a disqualification order under Article 74 or 79 is in force; and
  - (e) that there is in force in respect of the premises a fire certificate; and
  - (f) that the applicant has not been refused the grant or renewal of a bingo club licence on the ground mentioned in sub-paragraph (b) or (i) within the immediately preceding 12 months; and
  - (g) that, having regard to the demand in the locality in which the premises to which the application relates are situated for gaming facilities afforded by bingo club premises, the number of such bingo club premises for the time being available (including any premises for which a licence is provisionally granted) to meet that demand is inadequate; and
  - (h) either—
    - (i) that there is in force planning permission to use the premises as a bingo club for the period during which the licence would be in force; or
    - (ii) that the premises may be used as such a club for that period without such permission; and
  - (i) that the applicant will not allow the bingo club premises to be managed by, or if a licence were granted, gaming to be organised for the benefit of, a person other than the applicant who would himself be refused the grant of a bingo club licence.
- (5) A court may grant a bingo club licence notwithstanding that the procedure relating to the application set out in Schedule 9 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 bingo club licence if it is satisfied—
- (a) that the premises are not suitable for use as bingo club premises; or
  - (b) that the applicant has been convicted of an offence under this Part.
- (7) Paragraph (4)(g) shall not apply to an application for the grant of a bingo club licence in respect of premises which are on the site or in the vicinity of bingo club premises for which the applicant holds a bingo club licence and which—
- (a) have, by reason of fire, tempest, or other unforeseen and unavoidable calamity, become incapable of being used for the bingo club carried on in them under the bingo club licence; or
  - (b) have been or, are likely to be acquired or demolished, either wholly or to a substantial extent, under any statutory provision; or
  - (c) have been or, are likely to be, extended to include premises which are, or are to be constructed so as to be, contiguous to them; or

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- (d) are or are to be used for the purpose of the same bingo club in conjunction with additional premises which are or are to be constructed adjacent to it; or
  - (e) have been or are to be wholly or substantially demolished and new premises have been or are to be constructed wholly or partly within their curtilage.
- (8) A court which grants a bingo club licence may impose—
- (a) restrictions limiting the gaming to a particular part or parts of the bingo club premises; and
  - (b) subject to Article 76(7) and (8)(d), such restrictions on the hours during which gaming will be permitted to take place on the bingo club premises as the court thinks necessary for the purpose of preventing disturbance or annoyance to the occupiers of other premises in the vicinity of the bingo club premises.
- (9) Where a court grants a bingo club licence and the applicant for that licence has applied to the court for a direction specifying the number of gaming machines which may be made available for gaming on the bingo club premises in accordance with Article 108, the court shall give such a direction.
- (10) Where the court refuses an application for the grant of a bingo club licence it shall specify in its order the reasons for its refusal.
- (11) Where a court imposes restrictions under paragraph (8) or gives a direction under paragraph (9) the clerk of petty sessions shall note the restrictions or, as the case may be, the direction on the bingo club licence.

***Grant of bingo club licence conditional on alterations being made in bingo club premises***

- 64.**—(1) A court which grants a bingo club licence may grant the licence subject to the condition that, within a period fixed by the court, the holder of the licence—
- (a) shall make such alterations in the bingo club premises as the court may specify, being alterations which the court thinks necessary to ensure that the premises are suitable for use as bingo club premises; and
  - (b) shall deposit with the clerk of petty sessions a plan of the premises showing the alterations so specified.
- (2) Notice of any alteration required under paragraph (1) shall be served by the clerk of petty sessions 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 holder of the licence.
- (4) A bingo club licence granted conditionally under this Article shall, unless it is revoked or is a licence to which a disqualification order under Article 74 or 79 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 clerk of petty sessions shall note the date of that expiration on the licence.
- (5) A court of summary jurisdiction, on the application of the holder of the licence, shall declare the grant of a bingo club licence to be unconditional, if it is satisfied that alterations to the bingo club premises have been completed in accordance with the plans deposited with the clerk of petty sessions under paragraph (1)(b) and the clerk of petty sessions shall amend the licence accordingly.

***Provisional grant of bingo club licences***

- 65.**—(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 court of summary jurisdiction for the provisional grant of a bingo club licence for those premises.

(2) An application for the provisional grant of a bingo club licence may be made by the person who proposes to be the owner of the bingo club 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 bingo club licences is set out in Part I of Schedule 9 as modified by Part II of that Schedule.

(4) For the purposes of the provisional grant of bingo club licences, Article 63 shall have effect as if—

- (a) any reference in paragraphs (3) to (11) to the grant of a bingo club 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)(g) to (i), (6) and (7) to the premises were a reference to the proposed premises and paragraph (4)(d) and (e) were omitted.

(5) A bingo club licence which is provisionally granted shall not authorise the holder of the licence to carry on a bingo club 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 court of summary jurisdiction may consent to any modification of the plans deposited under Part I of Schedule 9 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 bingo club and, if it does so, shall require a copy of the modified plans to be deposited with the clerk of petty sessions.

(7) Where a bingo club licence has been granted provisionally for any premises, on the application of the holder of the licence, a court of summary jurisdiction 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 9 as modified by Part II of that Schedule or in accordance with those plans with modifications consented to under paragraph (6); and
- (b) that there is in force in respect of the premises a fire certificate.

(8) The procedure for applications to have the provisional grant of bingo club licences declared final is set out in Part III of Schedule 9.

(9) A court of summary jurisdiction 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 clerk of petty sessions shall note the declaration on the licence.

### ***Form and duration of new bingo club licences***

**66.**—(1) A bingo club 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 name of the bingo club;
- (c) the address of the premises for which it is granted;
- (d) the name and address of the owner of the premises; and
- (e) such other matters as may be so prescribed.

(2) Subject to Article 64(4) and to the succeeding provisions of this Article, a bingo club licence shall, unless it is revoked or is a licence to which a disqualification order under Article 74 or 79

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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.
- (3) Where, at the hearing of an application for the grant of a bingo club 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 clerk of petty sessions shall (if necessary) amend the licence accordingly.
- (4) Where a bingo club licence granted conditionally is at any time declared unconditional paragraph (2), other than sub-paragraph (b), shall apply as if the licence were granted at that time.
- (5) Where a bingo club licence granted provisionally is at any time declared final paragraphs (2) and (3) shall apply as if the licence were granted at that time.
- (6) Paragraph (2) shall not prejudice the operation of Articles 70 and 73 under which a bingo club licence may continue in force after the time when it would otherwise expire.
- (7) Where at any time—
- (a) the holder of a bingo club licence dies or is adjudged bankrupt, or his bingo club 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 bingo club; 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 holder of the bingo club licence and—

- (i) subject to sub-paragraph (ii), the bingo club licence shall, where it would otherwise expire under this Article or Article 71 continue in force until the end of a period of 6 months from that time unless the licence is revoked or is a licence to which a disqualification order under Article 74 or 79 applies or the licence 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 bingo club licence, extend the period for which that licence 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 bingo club licence dies and he has no personal representative or his personal representative is unwilling or unable to act, the licence shall, unless the licence is revoked or is a licence to which a disqualification order under Article 74 or 79 applies or the licence 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 bingo club 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 bingo club shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on that club unless during that period he has served notice that he is carrying on the bingo club 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 bingo club premises are situated; but the authority, if so suspended, shall revive upon the service of such a notice.

### ***Renewal of bingo club licences***

**67.**—(1) An application for the renewal of a bingo club licence shall be made to a court of summary jurisdiction except where the licence is renewed by the clerk of petty sessions under this Article.

(2) The procedure for applications for the renewal of bingo club licences is set out in Part I of Schedule 10.

(3) Subject to paragraph (4), where notice of an application for the renewal of a bingo club licence otherwise than under Article 69 has been served upon the clerk of petty sessions, he may renew the licence 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 fire certificate in respect of the bingo club premises has been cancelled; or
- (c) the application for renewal is in respect of bingo club premises for which the applicant has also applied to the court for a direction specifying the number of gaming machines which may be made available on the bingo club premises; or
- (d) in the case of an application for the renewal of a bingo club licence 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 licence was last renewed or, in the case of a first renewal of the licence, since the licence was granted; or

- (e) the clerk is of the opinion, for any other reason, that an application for the renewal of the bingo club licence 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 bingo club licence is renewed, the clerk of petty sessions shall note the renewal on the licence.

### ***Renewal of bingo club licences by a court***

**68.**—(1) On an application for the renewal of a bingo club licence a court of summary jurisdiction shall hear the objections, if any, made under Schedule 10.

(2) A court shall, subject to paragraph (3), refuse an application for the renewal of a bingo club licence unless it is satisfied—

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- (a) that the procedure relating to the application set out in Schedule 10 has been complied with; and
  - (b) that the applicant is a fit person to hold a bingo club licence; and
  - (c) that the applicant has not allowed the bingo club premises to be managed by, or gaming to be organised for the benefit of, a person other than the applicant who would himself be refused the grant of a bingo club licence; and
  - (d) that there is in force in respect of the bingo club premises a fire certificate.
- (3) A court may renew a bingo club licence notwithstanding that the procedure relating to the application set out in Schedule 10 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 bingo club licence if it is satisfied—
- (a) that the premises are not suitable for use as bingo club premises; or
  - (b) that, having regard to the manner in which gaming carried on in the bingo club premises has been conducted since the last previous renewal of the bingo club licence (or, where the renewal applied for is the first renewal of the licence, since the licence was granted), it is unlikely that, if the licence is renewed, gaming will be properly conducted; or
  - (c) that a person has been convicted of an offence in respect of a contravention, in connection with the bingo club premises, of any of the provisions of this Part, or of any regulations made under it; or
  - (d) that, since the last previous renewal of the licence (or, where the renewal applied for is the first renewal of the licence, since the licence was granted), the bingo club premises have been used for an unlawful purpose or as a resort of persons of known bad character.
- (5) A court which renews a bingo club licence may—
- (a) where the licence is not subject to any restrictions imposed under Article 63(8), impose such restrictions; or
  - (b) vary any restrictions imposed under sub-paragraph (a) or Article 63(8).
- (6) A court which renews a bingo club licence, on the application of the holder of the licence—
- (a) where a direction has not been given under Article 63(9) in respect of the bingo club premises, shall give such a direction; or
  - (b) shall cancel or may vary a direction given under sub-paragraph (a) or Article 63(9).
- (7) Where the court refuses an application for the renewal of a bingo club licence or for the variation of a direction under paragraph (6) it shall specify in its order the reasons for its refusal.
- (8) Where a court imposes or varies restrictions under paragraph (5) or gives, cancels or varies a direction under paragraph (6) the clerk of petty sessions shall note the restrictions, direction, cancellation or variation, as the case may require, on the bingo club licence.

### ***Renewal of bingo club licences out of time***

**69.**—(1) Where the holder of a bingo club licence which falls to expire at the end of a licensing 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 bingo club licence being made not later than the end of the next following licensing year, may renew the bingo club licence if it is satisfied that there was good reason for the failure.

(2) The procedure for applications under this Article for the renewal of bingo club licences is set out in Part I of Schedule 10 as modified by Part II of that Schedule.



### ***Continuance of bingo club licences pending determination of appeal***

**70.** Where a court refuses an application for the renewal of a bingo club licence and the holder of the licence appeals, the licence shall, unless it is revoked or is a licence to which a disqualification order under Article 74 or 79 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

### ***Duration of renewed bingo club licences***

**71.—**(1) Subject to paragraph (2), on the renewal of a bingo club licence, the licence shall, unless it is revoked or is a licence to which a disqualification order under Article 74 or 79 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 licensing year, the expiration of the next following licensing year, or
- (b) in any other case, the expiration of the then current licensing year.

(2) Paragraph (1) shall not prejudice the operation of Articles 66(7) and (8), 70 and 73 under which a bingo club licence may continue in force after the time when it would otherwise expire.

(3) Where, on renewing a bingo club licence, a court—

- (a) varies any restrictions imposed on the licence under Article 63(8) or 68(5)(a) or any direction given under Article 63(9) or 68(6)(a); or
- (b) in the case of a licence which is not subject to any restrictions imposed under Article 63(8), imposes such restrictions;

and the holder of the licence appeals against the variation or, as the case may be, the imposition of such restrictions, the variation or restrictions shall not take effect until the appeal is determined or abandoned.

### ***Revocation of bingo club licences***

**72.—**(1) An application for the revocation of a bingo club licence may be made by any person to a court of summary jurisdiction on any of the following grounds—

- (a) that the holder of the licence is not a fit person to hold a bingo club licence; or
- (b) that any information which, in or in connection with the application on which the licence 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 licence has been refused the grant or renewal of a bingo club licence on the ground mentioned in sub-paragraph (a) or (d) within the preceding 12 months; or
- (d) that the holder of the licence has allowed the bingo club premises to be managed by, or gaming to be organised for the benefit of, a person other than the holder of the licence who would himself be refused the grant of a bingo club licence; or
- (e) that a person has been convicted of an offence in respect of a contravention, in connection with the bingo club premises, of any of the provisions of this Part, or of any regulations made under it; or
- (f) that the premises are not suitable for use as bingo club premises; or
- (g) that gaming on the bingo club premises has not been properly conducted; or
- (h) that the bingo club premises have been used for an unlawful purpose or as a resort of persons of known bad character; or
- (i) that the fire certificate in respect of the bingo club premises has been cancelled.

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(2) The procedure for applications for the revocation of bingo club licences is set out in Schedule 7.

(3) On an application for the revocation of a bingo club licence a court shall hear the objections, if any, made under Schedule 7.

(4) A court shall refuse an application for the revocation of a bingo club licence 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 bingo club licence 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 79.

(5) Where the court refuses an application for the revocation of a bingo club licence, it shall specify in its order the reasons for its refusal.

***Continuance of bingo club licences pending determination of appeal against revocation***

73. Where a court revokes a bingo club licence and the holder of the licence appeals, the licence shall, unless it is a licence to which a disqualification order under Article 79 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

***Disqualification of holder of bingo club licence or bingo club premises on revocation of licence***

74.—(1) Where a court of summary jurisdiction revokes a bingo club licence, the court may make a disqualification order prohibiting—

- (a) the person to whom the bingo club licence was granted from holding such a licence; or
- (b) a bingo club licence from being held in respect of the premises to which the revoked licence related;

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 bingo club licence 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 bingo club licence or against the making of the order, and
- (b) if such appeal is brought, until the appeal has been determined or abandoned.

*Gaming by way of bingo*

***Who may participate in bingo***

75.—(1) Subject to paragraph (2), where bingo takes place on any bingo club premises, no person shall participate in the bingo—

- (a) if he is not present on the premises at the time when the bingo takes place there, or
- (b) on behalf of another person who is not present on the premises at that time.

(2) Where a game of bingo is played simultaneously on different bingo club premises in circumstances where—

- (a) all the players take part in the same game at the same time and all are present, at that time on 1 or other of those premises, and
- (b) the draw takes place on 1 or other of those premises while the game is being played, and
- (c) any claim of 1 of the players to have won is indicated to all the other players before the next number is called,

then if—

- (i) the aggregate amount paid to players as winnings in respect of that game does not exceed the aggregate amount of the stakes hazarded by the players in playing that game, and
- (ii) the aggregate amount paid to players as winnings in respect of that game, together with the aggregate amount paid to players as winnings in respect of all games of bingo which, in the circumstances specified in sub-paragraphs (a) to (c), have previously been played in the same week and have been so played on premises consisting of, or including any of, those premises, does not exceed<sup>F2</sup> £55,000] or such other amount as the Department may specify by order, subject to affirmative resolution,

paragraph (1) shall have effect as if those different premises were the same premises.

(3) Subject to the following provisions of this Article, where bingo takes place on bingo club premises, no person shall participate in the bingo unless either—

- (a) he is a member of the bingo club specified in the bingo club licence who, at the time when he begins to take part in the bingo, is eligible to take part in it; or
- (b) he is a bona fide guest of a person who is a member of that bingo club and who, at the time when the guest begins to take part in the bingo, is eligible to take part in it;

and neither the holder of the licence nor any person acting on his behalf or employed in the bingo club premises in question shall participate in the bingo.

(4) For the purposes of paragraph (3)—

- (a) a member of the bingo club specified in the bingo club licence is eligible to take part in the bingo at any particular time if at that time at least 24 hours have elapsed since he applied for membership of the bingo club;
- (b) a person employed in the bingo club premises in the capacity of a cleaner, or in such other capacity as may be prescribed by regulations, is eligible to take part in the bingo as a player.

(5) Where paragraph (2) has effect in relation to a game of bingo played simultaneously on different premises, for the purposes of the application of paragraphs (3) and (4) in relation to each of those premises, regard shall be had only to such of the players as are present on those particular premises.

(6) For the purposes of paragraph (3)(b) a person shall not be precluded from being a bona fide guest by reason only that he makes a payment which is required by regulations made under Article 76(2)(b).

(7) A person under the age of 18 shall not participate in bingo which takes place on bingo club premises.

(8) For the purposes of this Article a person participates in bingo if he takes part in the bingo as a player.

(9) In this Article and Article 76 “week” means a period of 7 days beginning with a Monday.

**F2** SR 2001/414

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### **Conditions applying to bingo**

76.—(1) Subject to the following provisions of this Article, Articles 55(1), 56 and 57 shall have effect in relation to gaming by way of bingo as they have effect in relation to gaming to which Chapter I applies.

(2) Regulations may—

- (a) provide that Article 55(1) shall not have effect in relation to gaming by way of bingo if the bingo is so played as to comply with such conditions as the regulations may prescribe;
- (b) subject to paragraph (3), provide that charges which, apart from the regulations, would be prohibited by Article 56, may be made in such circumstances as the regulations may prescribe if they comply with such conditions as are so prescribed;
- (c) provide that, where bingo takes place on bingo club premises, a levy, of such amount or calculated in such manner as the regulations prescribe, may in such circumstances as may be so prescribed be charged on the stakes or on the winnings of the players.

(3) No charge shall be made in accordance with paragraph (2)(b) unless particulars of the charges and of the circumstances in which they are chargeable—

- (a) are displayed on the bingo club premises, and
- (b) have, not less than 14 days before the date on which the charge is made, been notified to the sub-divisional commander of the police sub-division in which the bingo club premises are situated,

and, if the regulations so provide, those particulars comprise such matters as the regulations prescribe and are displayed on the bingo club premises in a manner, and in positions, determined in accordance with the regulations.

(4) Every prize won in respect of all games of bingo played in bingo club premises, other than games of bingo to which Article 77 applies, shall be a monetary prize.

(5) Without prejudice to the operation of Article 75(2) and (5), the aggregate amount paid to players as winnings in respect of all games of bingo played in any 1 week on any particular bingo club premises shall not exceed the aggregate amount of the stakes hazarded by the players in playing those games by more than<sup>F3</sup> £10,000] or such other amount as the Department may specify by order, subject to affirmative resolution.

(6) The holder of a bingo club licence or any person acting on his behalf or under any arrangement with him shall not—

- (a) make any loan or otherwise provide or allow to any person any credit, or release, or discharge on another person's behalf, the whole or part of any debt,—
  - (i) for enabling any person to take part in bingo in the bingo club premises; or
  - (ii) in respect of any losses incurred by any person in that bingo; or
- (b) accept a cheque and give in exchange for it cash or tokens for enabling any person to take part in that bingo.

(7) Bingo shall not take place on any bingo club premises on any Sunday, Christmas Day or Good Friday.

(8) Regulations may—

- (a) restrict the amount of stakes and prizes in any single game of bingo;
- (b) prescribe—
  - (i) the types of games of bingo which may be promoted in bingo club premises;
  - (ii) the detailed rules in accordance with which any game of bingo is to be played;

- (iii) the manner in which participation fees are to be allocated between the different games of bingo; and
- (iv) the information to be made available to the players;
- (c) require the holder of the bingo club licence to display, in such manner and in such position on the bingo club premises as the regulations may prescribe, the rules in accordance with which any game of bingo is to be played on the bingo club premises;
- (d) without prejudice to paragraph (7), restrict the hours during which games of bingo will be permitted to take place on bingo club premises;
- (e) impose such prohibitions, restrictions or other requirements (in addition to those imposed by or under the provisions of this Chapter) as appear to the Department to be requisite—
  - (i) for securing that bingo on any bingo club premises is fairly and properly conducted;
  - (ii) for preventing the use of any indirect means for doing anything which if done directly would be a contravention of this Chapter or of any regulations made under it.

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### *Gaming for prizes*

#### ***Gaming for prizes on bingo club premises***

77.—(1) This Article applies to gaming, other than gaming by means of a gaming machine, which takes place on bingo club premises which is gaming for prizes in respect of which the following conditions are fulfilled, that is to say—

- (a) the amount paid by any 1 person for any 1 chance to win a prize does not exceed<sup>F4</sup> £0.50];
- (b) the aggregate amount taken by way of the sale of chances in any 1 determination of winners (if any) of prizes does not exceed<sup>F4</sup> £120], and the sale of those chances and the declaration of the result take place on the same day and on the premises on which and at the time when, the game is played;
- (c) no money prize exceeding<sup>F5</sup> £25] is distributed or offered;
- (d) the winning of, or the purchase of a chance to win, a prize does not entitle any person (whether subject to a further payment by him or not) to any further opportunity to win money or money's worth by taking part in any other gaming or in any lottery;
- (e) the aggregate amount or value of the prizes on any 1 determination of winners does not exceed<sup>F4</sup> £120]; and
- (f) in relation to a game of bingo played for prizes, the amount of money staked in the game is prominently displayed in the bingo club premises before the game has ended.

(2) Article 75, other than paragraphs (2) and (5), and Article 76, other than paragraph (1) in so far as it relates to Article 55(1) and paragraph (4), shall have effect in relation to gaming to which this Article applies as they have effect in relation to bingo, and, in relation to such gaming—

- (a) for the purpose of Article 75 as applied by this paragraph, a person participates in the gaming if, where the game involves playing or staking against a bank, he holds the bank or has a share or interest in it; and
- (b) in a game which involves playing or staking against a bank, nothing in Article 75(1) or (3) shall prevent the holder of the bingo club licence or a person acting on his behalf from holding the bank or having a share or interest in it; and

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(c) Article 56 as applied by Article 76 shall not be taken to be contravened by reason only that a person pays for a chance to win a prize.

(3) Where a game of bingo is played for prizes on any bingo club premises and constitutes gaming to which this Article applies, the prizes won in that game shall be disregarded for the purposes of Article 76(5).

(4) The Department may, by order subject to affirmative resolution, substitute for any amount in paragraph (1) such other amount as may be specified in the order.

**F4** SR 2001/414

**F5** SR 2003/15

### *Miscellaneous*

#### ***Offences relating to bingo and bingo club premises***

**78.**—(1) Subject to the following provisions of this Article, if any of the provisions of Article 75 or 76 or of any regulations made under Article 76 is contravened in relation to any bingo club premises, the holder of the bingo club licence shall be guilty of an offence.

(2) Without prejudice to paragraph (1), but subject to paragraph (3), if any of the provisions mentioned in paragraph (1) is contravened in relation to any gaming to which this Chapter applies, every person concerned in the organisation or management of that gaming shall be guilty of an offence.

(3) Where a person is charged with an offence under either paragraph (1) or (2) in respect of a contravention of any of the provisions mentioned in paragraph (1), it shall be a defence for him 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.

(4) Where on the grant or renewal of a bingo club licence, a court of summary jurisdiction imposes any restrictions under Article 63(8) or 68(5), paragraphs (1) to (3) shall have effect in relation to any contravention of those restrictions as they have effect in relation to any contravention of the provisions of Article 75 or 76.

#### ***Disqualification of holder of bingo club licence or bingo club premises on conviction of offence***

**79.**—(1) Subject to paragraph (4), where a person is convicted of—

- (a) an offence committed in respect of any bingo club premises under paragraph (1) or (2) of Article 78 (including either of those paragraphs as applied by paragraph (4) of that Article); or
- (b) an offence under Article 108(11) or (12); or
- (c) any offence involving fraud or dishonesty;

the court by which he is convicted may make a disqualification order prohibiting—

- (i) the person to whom the bingo club licence was granted from holding such a licence; or
- (ii) a bingo club licence from being held in respect of those premises;

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 bingo club licence 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 appeal is brought, until the appeal has been determined or abandoned.

(4) Where the person on whose conviction a disqualification order may be made under paragraph (1) is not the holder of the bingo club licence, a court shall not make the disqualification order under paragraph (1)(ii) unless an opportunity has been given to any person interested in the bingo club premises and applying to be heard by the court to show cause why the order should not be made.

(5) A court which makes a disqualification order under paragraph (1)(ii) may, on the application of any person affected by the order,—

(a) revoke the order; or

(b) vary the order by reducing any period of prohibition specified in it.

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

(a) the disqualification order 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 of the police sub-division in which the premises to which the application relates are situated notice of the application under that paragraph.

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