

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 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 [^{F1}18];
- ^{F2}(b)
- ^{F3}(c)
- ^{F4}(d)
- ^{F5}(5)

(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

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(b) in respect of whom there is in force a disqualification order under Article 94 or 125, is void.

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| F1 | Word in art. 84(4)(a) substituted (27.4.2022) by Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14), ss. 11(1)(c) , 17(2) |
| F2 | Art. 84(4)(b) repealed (27.4.2022) by Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14), ss. 11(2)(c) , 17(2) |
| F3 | Art. 84(4)(c) repealed (27.4.2022) by Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14), ss. 11(2)(c) , 17(2) |
| F4 | Art. 84(4)(d) repealed (27.4.2022) by Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14), ss. 11(3)(c) , 17(2) |
| F5 | Art. 84(5) repealed (27.4.2022) by Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14), ss. 11(3)(c) , 17(2) |

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;

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

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- (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.

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(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 ^{F6}... 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, ^{F7}... 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 or, as the case may be, the permit shall, unless the certificate ^{F8}... 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) [^{F9}upon—

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- (a) the clerk of petty sessions; and
- (b) the district commander of the police district 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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| F6 | Words in art. 86(7)(a) repealed (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2) , s. 28(2), Sch. 4 ; S.R. 2016/203, art. 2 |
| F7 | Words in art. 86(7) repealed (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2) , s. 28(2), Sch. 4 ; S.R. 2016/203, art. 2 |
| F8 | 2004 NI 1 |
| F9 | Words in art. 86(9) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9) , s. 106(2), Sch. 1 para. 91(4) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3) |

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—

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- (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.

(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

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- [^{F10}(aa) that the business carried on under the licence has been carried on in a manner which involved serious, repeated or continuous failure to comply with a code of practice in force under Article 180A; 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.

F10 Art. 92(1)(aa) inserted (1.10.2023) by [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 14), ss. 16(2)(e), 17(3); S.R. 2023/74, art. 2, Sch.

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.

Changes to legislation: *The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, Cross*
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(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.

Changes to legislation:

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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\(2\)\(a\)](#)