STATUTORY INSTRUMENTS

1985 No. 1204

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

PART V N.I.

AMUSEMENTS AND COMPETITIONS

Amusements with prizes

Amusements with prizes at exempt entertainments N.I.

153.—(1) This Article applies to the provision at any exempt entertainment of any amusement with prizes which constitutes a lottery or gaming or both but which is not—

(a) gaming on bingo club premises; or

(b) gaming by means of a gaming machine.

(2) Where any such amusement constitutes a lottery, nothing in Article 131 or 132 shall apply to it but in relation to any such amusement (whether it constitutes a lottery or not) the conditions set out in paragraph (3) shall be observed.

(3) The conditions referred to in paragraph (2) are—

(a) that the whole proceeds of the entertainment (including the proceeds from the provision of the amusement with prizes), after deducting, subject to paragraph (9), the expenses of the entertainment, shall be devoted to purposes other than private gain; and

(b) that chances to win a prize shall not be sold nor shall the result be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and

(c) that the facilities for winning prizes at amusements to which this Article applies, or those facilities together with any other facilities for participating in lotteries or gaming, shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(4) Regulations may impose such restrictions (in addition to those specified in paragraph (3)) as the Department may consider necessary or expedient with respect to the provision of an amusement to which this Article applies.

(5) The person who organises the exempt entertainment shall—

(a) make, and keep for a period of at least 18 months, records and accounts relating to that entertainment;

(b) record in those accounts the purposes for which the proceeds of the entertainment are to be applied; and

(c) inform all potential participants of those purposes.

(6) Any person who organises an exempt entertainment at which amusements to which this Article applies are to be provided shall, not less than 7 days before the date on which the

entertainment is to take place, serve notice of the entertainment upon the sub-divisional commander of the police sub-division in which the premises where the entertainment is to take place are situated.

(7) If any of the provisions of this Article or of any regulations made under this Article is contravened in relation to the provision of any amusement with prizes every person concerned in the provision or conduct of that amusement shall be guilty of an offence.

(8) In any proceedings for an offence under paragraph (7) it shall be a defence for any person charged to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(9) The reference to expenses in paragraph (3)(a) shall not include a reference to any charge mentioned in Article 2(9) and falling to be determined as there mentioned.

Amusements with prizes at certain other places N.I.

154.—(1) This Article applies to the provision at the places specified in paragraph (2) of any amusement with prizes which constitutes a lottery or gaming or both but which is not—

(a) gaming on bingo club premises; or

(b) gaming by means of a gaming machine.

(2) The places referred to in paragraph (1) are—

(a) premises in respect of which a pleasure permit is in force;

(b) premises used wholly or mainly for the provision of amusements and in respect of which an amusement permit is in force; or

(c) a travelling showmen's pleasure fair.

(3) Where any such amusement constitutes a lottery, nothing in Article 131 or 132 shall apply to it but in relation to any such amusement (whether it constitutes a lottery or not) the conditions set out in paragraph (4) shall be observed.

(4) The conditions referred to in paragraph (3) are—

(a) that the amount paid by any 1 person for any 1 chance to win a prize does not exceed £0.30; and

(b) that the aggregate amount taken by way of the sale of chances in any 1 determination of winners, if any, of prizes does not exceed**[**[F1] £30**]**, and that the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and during the time when, the amusement is provided; and

(c) that no money prize is distributed or offered which exceeds £0.30; and

(d) that the winning of, or the purchase of a chance to win, a prize does not entitle any person, whether or not subject to a further payment by him, to any further opportunity to win money or money's worth by taking part in any amusement with prizes or in any gaming or lottery; and

(e) that, in the case of a group game, the amount of money staked in the game is prominently displayed before the game has ended; and

(f) in the case of a travelling showmen's pleasure fair, that the opportunity to win prizes at amusements to which this paragraph applies is not the only, or the only substantial, inducement to persons to attend the fair.

(5) If any of the provisions of this Article is contravened in relation to the provision of any amusement with prizes—

(a) every person concerned in the provision or conduct of that amusement, and

(b) in a case falling within paragraph (2)(a) or (b), the holder of the pleasure permit or, as the case may be, the amusement permit,

shall be guilty of an offence.

(6) In any proceedings for an offence under paragraph (5) it shall be a defence for any person charged to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

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

F1 SR 1996/572

Pleasure permits

Persons to whom pleasure permits may be granted N.I.

155.—(1) The person to whom a pleasure permit is granted shall be the person who is, or who proposes to be, the occupier of the premises for which the pleasure permit is sought.

(2) A pleasure permit may be granted to an individual, to **[**[F2]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 pleasure permit, a district council shall have regard to the character, reputation and financial standing—

(a) of the applicant; and

(b) of any other person by whom the business which is or is proposed to be carried on under the permit 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 Article 154 will be complied with.

(4) In considering the fitness of a body corporate to hold a pleasure permit, a district council shall also 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 and who have a financial interest in it, as if the permit were, or were proposed to be, held by them jointly.

F2 Words in art. 155(2) substituted (27.4.2022) by Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14), **ss. 11(5)**, 17(2)

Premises for which pleasure permits may be granted N.I.

156. The premises in which amusements with prizes provided in accordance with Article 154 is authorised by a pleasure permit shall be premises used wholly or mainly for the provision of amusements.

Grant of pleasure permits N.I.

157.—(1) An application for the grant of a pleasure permit shall be made by the person who is, or by any person who proposes to be, the occupier of the premises for which the pleasure permit is sought to the district council for the district in which those premises are situated and the applicant shall—

(a) attach to the application a fee of £8.50; and

(b) serve a copy of the application upon the sub-divisional commander of the police sub-division in which those premises are situated.

(2) Subject to paragraph (3), where an application is made for the grant of a pleasure permit, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served—

(a) may grant the pleasure permit; or

(b) may refuse to grant the pleasure permit.

(3) A district council shall refuse an application for the grant of a pleasure permit unless it is satisfied—

(a) that the applicant is a fit person to hold a pleasure permit; and

(b) that the applicant will not allow the business proposed to be carried on under the pleasure 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 pleasure permit; and

(c) [F3] . . . . . .

(4) A district council shall grant the pleasure permit subject to the condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character.

(5) A district council may grant a pleasure permit subject to the condition—

(a) that the premises are illuminated in the manner specified by the council; or

(b) that advertising of, and window displays on, the premises are in the form specified by the council; or

(c) that such notices are displayed and such information given on the premises as the council specifies in relation to any condition to which the pleasure permit is subject.

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

F3 Art. 157(3)(c) 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**

Grant of pleasure permit conditional on alterations being made in premises N.I.

158.—(1) A district council which grants a pleasure permit may grant the pleasure permit subject to the condition that, within a period fixed by the council, the holder of the pleasure permit—

(a) shall make such alterations in the premises as the council may specify being alterations which the council thinks necessary to ensure that the lay-out, character or condition (including the provision in the premises of adequate sanitary appliances and things used in connection with such appliances) of the premises is suitable for use as premises in which amusements with prizes are provided; and

(b) shall deposit with the district council a plan of the premises showing the alterations so specified.

(2) Notice of any alterations required under paragraph (1) shall be served by the district council on the owner of the premises.

(3) The period fixed by a district council under paragraph (1) may be extended by the council on the application of the holder of the pleasure permit.

(4) A pleasure permit granted conditionally under this Article shall, unless cancelled, remain in force from the date on which it is granted until the expiration of the period fixed by the district

council under paragraph (1) or any extended period and the district council shall note the date of that expiration on the pleasure permit.

(5) A district council, on the application of the holder of a pleasure permit, shall declare the grant of a pleasure permit to be unconditional, if it is satisfied that alterations to the premises have been completed in accordance with the plans deposited with the district council under paragraph (1)(b) and the council shall amend the pleasure permit accordingly.

Provisional grant of pleasure permits N.I.

159.—(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 by the person who proposes to be the occupier of the premises to the district council for the district in which the premises are or are to be situated for the provisional grant of a pleasure permit for those premises.

(2) For the purposes of the provisional grant of a pleasure permit Article 157 shall have effect as if—

(a) any reference to the grant of a pleasure permit were a reference to the provisional grant of a pleasure permit; and

(b) where the application relates to premises about to be constructed or in the course of construction, any reference to the premises for which a pleasure permit is sought were a reference to proposed premises [F4]. . . .

(3) A pleasure permit which is provisionally granted shall not authorise the provision of amusements with prizes in accordance with the conditions of Article 154 until the grant of the pleasure permit is declared final.

(4) Where a pleasure permit has been granted provisionally for any premises, a district council, on the application of the holder of the pleasure permit, shall, subject to paragraph (5), declare the grant of the pleasure permit final, if it is satisfied that the premises have been completed [F5]. . . .

(5) A district council shall not entertain an application made under paragraph (4) after the expiration of 2 years from the date on which the pleasure permit was granted provisionally, unless the applicant satisfies the council that there were reasonable grounds for the failure to complete the construction, alteration or extension of the premises within that period.

(6) Where the provisional grant of a pleasure permit is declared final, the district council shall note the declaration on the permit.

F4 Words in art. 159(2)(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**

F5 Words in art. 159(4) 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 pleasure permits N.I.

160.—(1) A pleasure 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 address of the premises for which it is granted;

(c) the name and address of the owner of the premises;

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

(2) Subject to Article 158(4) and to the succeeding provisions of this Article, a pleasure permit shall, unless cancelled, remain in force from the date on which it is granted until the expiration of a period of 12 months beginning with the first day of the month in which it is granted.

(3) Where a district council grants a pleasure permit subject to a condition specified in Article 157(5) and the applicant for the grant appeals against the imposition of the condition—

(a) until the expiry of the time for bringing an appeal and, if an appeal is brought, until the appeal is disposed of or abandoned, the permit granted shall not come into force;

(b) if on appeal the condition is confirmed or varied or if the appeal is abandoned, for the purpose of determining the period for which the permit is to be in force the date when the appeal is disposed of or abandoned shall be substituted for the date on which the permit was granted and the district council shall (if necessary) amend the permit accordingly.

(4) Where a pleasure permit granted conditionally is at any time declared unconditional paragraph (2) shall apply as if the permit were granted at that time.

(5) Where a pleasure permit granted provisionally is at any time declared final paragraphs (2) and (3) shall apply as if the permit were granted at that time.

(6) Paragraph (1) shall not prejudice the operation of Article 162 under which a pleasure permit may continue in force after the time when it would otherwise expire.

(7) Where at any time—

(a) the holder of a pleasure 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 pleasure permit, 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 pleasure permit and—

(i) subject to sub-paragraph (ii), the pleasure permit shall, where it would otherwise expire under this Article or under Article 163 continue in force until the end of a period of 6 months from that time, unless cancelled;

(ii) a district council may on the application of the person deemed to be the holder of the pleasure permit, extend the period for which that permit 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 pleasure permit dies and he has no personal representative or his personal representative is unwilling or unable to act, the permit shall, unless cancelled, 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 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 pleasure 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) upon—

(a) the district council for the district; and

(b) the sub-divisional commander of the police sub-division,

in which the premises in which the business authorised by the pleasure permit is conducted are situated; but the authority, if so suspended, shall revive upon the service of such a notice.

F6 Words in art. 160(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. 160(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**

Renewal of pleasure permits N.I.

161.—(1) An application for the renewal of a pleasure permit shall be made to the district council for the district in which the premises are situated and the applicant shall—

(a) attach to the application a fee of £8.50; and

(b) serve a copy of the application upon the sub-divisional commander of the police sub-division in which those premises are situated.

(2) The district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served shall renew the pleasure permit unless it is satisfied—

(a) that the applicant is not a fit person to hold a pleasure permit; or

(b) that the applicant has allowed the business carried on under the pleasure 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 pleasure permit; or

(c) [F8] . . . . . .

(d) that the council has been refused reasonable facilities to inspect the premises; or

(e) that, having regard to the conditions in which amusements with prizes have been provided on the premises, or the manner in which any such amusements have been conducted since the permit was granted it is undesirable that amusements with prizes should be provided on those premises; or

(f) that, since the last previous renewal of the permit (or, where the renewal applied for is the first renewal of the permit, since the permit was granted), the premises have been used for an unlawful purpose or as a resort of persons of known bad character.

(3) A district council shall renew the pleasure permit subject to the condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character.

(4) A district council may renew the pleasure permit subject to the condition—

(a) that the premises are illuminated in the manner specified by the council; or

(b) that advertising of, and window displays on, the premises are in the form specified by the council; or

(c) that such notices are displayed and such information given on the premises as the council specifies in relation to any condition to which the pleasure permit is subject.

(5) The Department may, by order subject to affirmative resolution, substitute for the fee specified**[**[F9] in paragraph (1)**]** such other fee as may be specified in the order.

F8 Art. 161(2)(c) 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**

F9 2004 NI 1

Continuance of pleasure permits pending determination of appeal N.I.

162. Where a district council refuses to renew a pleasure permit and the holder of the permit appeals the pleasure permit shall, unless it is cancelled, continue in force until the appeal is determined or abandoned.

Duration of renewed pleasure permits N.I.

163.—(1) Subject to paragraph (2), on the renewal of a pleasure permit, it shall, unless cancelled, remain in force until the expiration of a period of 12 months beginning with the day when it would, if it had not been renewed, otherwise have expired.

(2) Paragraph (1) shall not prejudice the operation of Articles 160(7) and (8) and 162 under which a pleasure permit may continue in force after the time when it would otherwise expire.

(3) Where, in the case of a pleasure permit which is not subject to a condition specified in Article 157(5), the district council renews that permit subject to a condition specified in Article 161(4) and the holder of the permit appeals against the imposition of the condition, the condition shall not take effect until the appeal is determined or abandoned.

Certain premises providing amusements to close at certain hours N.I.

164.—(1) A district council may require premises situated in its district for which a pleasure permit is in force to close at such hour in the evening as the council may determine not being earlier than half past 10.

(2) A district council shall not impose a requirement under paragraph (1) unless—

(a) it is satisfied that the premises have been conducted in such a manner as to cause disturbance to persons residing in the vicinity of the premises; and

(b) it has consulted the sub-divisional commander of the police sub-division in which the premises are situated.

(3) Where a district council imposes a requirement under paragraph (1) the council may revoke that requirement at any time.

(4) Where a district council imposes a requirement under paragraph (1) and the holder of the pleasure permit appeals, the requirement shall not take effect until the appeal is determined or abandoned.

Appeals in relation to pleasure permits N.I.

165. Article 119 shall apply to the refusal to grant, or renew, a pleasure permit, or the grant of a pleasure permit subject to a condition specified in Article 157(5), or the renewal of a pleasure permit subject to a condition specified in Article 161(4) or the imposition of a requirement under Article 164, as it applies to the refusal to grant, or renew, an amusement permit, or the grant or renewal of an amusement permit subject to a condition specified in Article 111(6) or, as the case may be, Article 115(7) or the imposition of a requirement under Article 118.

Offences in connection with pleasure permits N.I.

166.—(1) Where a condition to which the pleasure permit is subject is contravened or a requirement imposed under Article 164 is contravened the holder of the pleasure permit shall be guilty of an offence.

(2) In any proceedings for an offence under paragraph (1) it shall be a defence for the holder of the pleasure permit to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.

Cancellation of pleasure permit by a court N.I.

167.—(1) Where the holder of a pleasure permit is convicted of—

(a) an offence under Article 166; or

(b) any offence involving fraud or dishonesty;

the court by which he is convicted may cancel the permit.

(2) The cancellation of a permit under paragraph (1) shall not take effect—

(a) until the end of the period within which the holder of the pleasure permit can appeal against his conviction or against the cancellation, and

(b) if he so appeals, until the appeal has been determined or abandoned.

(3) A pleasure permit which has been cancelled by a court shall be void.

Newspaper and other competitions

Prize competitions N.I.

168.—(1) Subject to **[**[F10]paragraphs (2) and (2A)**]**, it shall be unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public—

(a) any competition in which prizes are offered for forecasts of the result either—

(i) of a future event; or

(ii) of a past event the result of which is not yet ascertained, or not yet generally known;

(b) any other competition in which success does not depend to a substantial degree on the exercise of skill.

(2) Nothing in paragraph (1) with respect to the conducting of competitions in connection with a trade or business shall apply in relation to totalisator or pool betting operations carried on by a person whose only trade or business is the carrying on of such operations.

[[F11](2A) An arrangement is not a competition for the purposes of this Article unless persons are required to pay to participate in the arrangement; and Schedule 15A makes provision about when an arrangement is or is not to be treated for those purposes as requiring persons to pay to participate.**]**

(3) Any person who contravenes this Article shall, without prejudice to any liability to be proceeded against under Article 132, be guilty of an offence.

F10 Words in art. 168(1) substituted (27.4.2022) by Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14), **ss. 12(2)**, 17(2)

F11 Art. 168(2A) inserted (27.4.2022) by Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14), **ss. 12(3)**, 17(2)

Changes to legislation:
The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, PART V is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

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)