

BETTING AND GAMING (NORTHERN IRELAND) ORDER 2004

S.I. 2004 No. 310 (N.I. 1)

EXPLANATORY MEMORANDUM

COMMENTARY ON PROVISIONS

Article 10: Amusement permits

This Article amends the 1985 Order to introduce an additional type of amusement permit for premises used wholly or mainly for the provision of amusements by means of gaming machines. The new permit (expressed to be granted for the purposes of Article 108(1)(ca) of the 1985 Order) will authorise the operation of gaming machines with a maximum all-cash prize of £25 (delivered directly from the machine) and gaming machines with a maximum prize value of £8 (*paragraph (1)*). (The existing amusement permit (expressed to be granted for the purposes of Article 108(1)(c) of the 1985 Order), which will continue to be available, authorises the operation of lower prize gaming machines, those with a maximum prize value of £8.)

As with the existing amusement permit, the new permit will be renewable after one year.

The new permit will be subject to the following conditions (*paragraph (2)(g) re grant and paragraph (4)(d) re renewal*):

- where admission to the premises is restricted to those aged 18 or over:
 - no-one under 18 is admitted to the premises; and
 - at any entrance to, and inside the premises, there are prominently displayed notices indicating that access by those under 18 is prohibited;
- where those under 18 are admitted to the premises:
 - any £25 prize gaming machines are located in an area of the premises separated from the rest of the premises by an effective physical barrier;
 - only those 18 or over are admitted to an area of the premises in which any such machines are located;
 - access to an area in which such machines are located is supervised;
 - all parts of any area of the premises in which such machines are located can be observed; and
 - at any entrance to, and inside any area of the premises in which such machines are located, there are prominently displayed notices indicating that access by those under 18 is prohibited.

The district council may refuse to renew the permit if the relevant conditions are not complied with to its satisfaction (*paragraph (4)(c)(ii)*).

An application for the grant (*paragraph (2)(a) and (b)*) or renewal (*paragraph (4)(a) and (b)*) of the new permit will be subject to a fee set annually by the district council for the whole of its district. The fees set will cover the council's costs in relation to amusement permits, subject to a maximum of £250. (There is no change in the fee for the grant or renewal of the existing permit, currently £32.)

Where the holder of an existing amusement permit (an Article 108(1)(c) permit) applies for the grant of the new permit (an Article 108(1)(ca) permit) for the same premises, the district council

This Explanatory Memorandum refers to the Betting and Gaming (Northern Ireland) Order 2004No. 310 (N.I. 1)

may only refuse the application if it would have grounds to refuse to renew the existing permit (the Article 108(1)(c) permit) (*paragraph (2)(f)*).

Where the holder of a new permit (an Article 108(1)(ca) permit) applies for the grant of the existing type of permit (an Article 108(1)(c) permit) for the same premises, the district council may only refuse the application if it would have grounds to refuse to renew it were it an existing type of permit (an Article 108(1)(c) permit) (*paragraph (2)(f)*).

Grant of the new amusement permit (an Article 108(1)(ca) permit) to the holder of an existing type of permit (an Article 108(1)(c) permit) for the same premises will automatically cancel the existing permit for those premises (*paragraph (3)*). Similarly, grant of an existing type of permit (an Article 108(1)(c) permit) to the holder of a new type of permit (an Article 108(1)(ca) permit) for the same premises will automatically cancel the new type of permit for those premises (*paragraph (3)*).