Gaming Act 1968

1968 CHAPTER 65

An Act to make further provision with respect to gaming; and for purposes connected therewith. [25th October 1968]

Modifications etc. (not altering text)

C1 Act excluded (S.) by Licensing (Scotland) Act 1959 (c. 51), **s. 29** as substituted by District Courts (Scotland) Act 1975 (c. 20), **s. 22**; extended by Pool Competitions Act 1971 (c. 57), **s. 6(1)**

Commencement Information

I1 Act partly in force at Royal Assent see s. 54(3)(4)(5); Act wholly in force at 1.6.1971

PART I

GAMING ELSEWHERE THAN ON PREMISES LICENSED OR REGISTERED UNDER PART II OF THIS ACT

1 Gaming to which Part I applies.

(1) Except as provided by the next following subsection, this Part of this Act applies to all gaming which takes place elsewhere than on premises in respect of which either—

(a) a licence under this Act is for the time being in force, or

(b) a club or a miners' welfare institute is for the time being registered under Part II of this Act.

(2) This Part of this Act does not apply to—

(a) gaming by means of any machine to which Part III of this Act applies, or

(b) gaming to which section 41 of this Act applies, or

(c) gaming which constitutes the provision of amusements with prizes **[**[F1]as mentioned in section 15(1) or 16(1) of the [M1]Lotteries and Amusements Act 1976**]**.

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

Textual Amendments

F1 Words substituted by Lotteries and Amusements Act 1976 (c. 32), **Sch. 4 para. 1**

Marginal Citations

M1 1976 c. 32.

2 Nature of game.

(1) Subject to the following provisions of this section, no gaming to which this Part of this Act applies shall take place where any one or more of the following conditions are fulfulled, that is to say—

(a) the game involves playing or staking against a bank, whether the bank is held by one of the players or not;

(b) the nature of the game is such that the chances in the game are not equally favourable to all the players;

(c) the nature of the game is such that the chances in it lie between the player and some other person, or (if there are two or more players) lie wholly or partly between the players and some other person, and those chances are not as favourable to the player or players as they are to that other person.

(2) The preceding subsection shall not have effect in relation to gaming which takes place on a domestic occasion in a private dwelling, and shall not have effect in relation to any gaming where the gaming takes place in a hostel, hall of residence or similar establishment which is not carried on by way of a trade or business and the players consist exclusively or mainly of persons who are residents or inmates in that establishment.

3 No charge for taking part in gaming.

(1) Subject to the following provisions of this section, no gaming to which this Part of this Act applies shall take place in circumstances where (apart from any stakes hazarded) a charge, in money or money's worth, is made in respect of that gaming.

(2) Subject to the next following subsection, any admission charge shall, unless the contrary is proved, be taken to be a charge made as mentioned in subsection (1) of this section.

(3) For the purposes of this section a payment which constitutes payment of, or of a quarterly or half-yearly instalment of, an annual subscription to a club, or which constitutes payment of an entrance subscription for membership of a club, shall not be taken to be a charge made as mentioned in subsection (1) of this section:

Provided that this subsection shall not apply to a club unless it is shown that the club is so constituted and conducted, in respect of membership and otherwise, as not to be of a temporary character, and, in relation to an entrance subscription, shall not apply unless it is shown that the payment is not made in respect of temporary membership of the club.

(4) The preceding provisions of this section shall have effect subject to section 40 of this Act.

Modifications etc. (not altering text)

C2 S. 3 excluded by (E.W.) S.I. 1984/248, **regs. 5(1)**, 6(1) and (S.) S.I. 1984/470, **regs. 5(1)**, 6(1) (as those S.Is. are amended (26.4.2000) by S.I. 2000/899, **reg. 3**)

4 No levy on stakes or winnings.

Without prejudice to the generality of section 3 of this Act, no gaming to which this Part of this Act applies shall take place where a levy is charged on any of the stakes or on the winnings of any of the players, whether by way of direct payment or deduction, or by the exchange of tokens at a lower rate than the rate at which they were issued, or by any other means.

5 Gaming in public places.

(1) No person shall take part in gaming to which this Part of this Act applies—

(a) in any street, or

(b) (subject to the next following section) in any other place to which, whether on payment or otherwise, the public have access.

[[F2](2) A constable may arrest without warrant anyone whom he finds in a street, or in any such place as is mentioned in paragraph (*b*) of the preceding subsection, and whom he suspects, with reasonable cause, to be taking part in gaming there in contravention of that subsection.**]**

(3) For the purposes of this section—

(a) "street" includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public, and, in the application of this section to Scotland, includes also any common close or common stair; and

(b) the doorways and entrances of premises abutting upon, and any ground adjoining and open to, a street shall be treated as forming part of the street.

Textual Amendments

F2 S. 5(2) repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I**

6 General provisions as to gaming on premises licensed for retail sale of liquor.

(1) The restriction imposed by section 5(1) of this Act does not apply—

(a) to the playing of dominoes or cribbage on any premises to which this section applies, or

(b) in the case of any particular premises to which this section applies, to the playing of any other game which is authorised to be played on those premises by an order under subsection (3) of this section which is for the time being in force.

(2) This section applies to—

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

(a) any premises in respect of which a justices' on-licence (other than a Part IV licence) or a hotel **[**[F3]licence**]** or public house **[**[F3]licence**]** is for the time being in force;

(b) . . . . . [F4]

(c) . . . . . [F4]

(3) On the application—

(a) of the holder of the licence . . . [F5], in the case of any such premises as are mentioned in paragraph (*a*) of subsection (2) of this section, . . . [F6]

(b) . . . . . [F6]

the licensing justices for the licensing district, or, in Scotland, the licensing **[**[F7]board**]** for the licensing area, in which the premises are situated may by order authorise the playing on those premises of a game specified in the order, other than dominoes and cribbage.

(4) In respect of any premises to which this section applies the licensing justices for the licensing district, or, in Scotland, the licensing **[**[F7]board**]** for the licensing area, in which the premises are situated may by order impose such requirements or restrictions with respect to gaming by the playing of dominoes or cribbage, or of any game authorised by virtue of subsection (3) of this section, in a part of those premises to which the public have access as the justices or **[**[F7]board**]** may consider necessary to secure that any such gaming in that part of the premises does not take place—

(a) for high stakes, or

(b) in such circumstances as to constitute an inducement to persons to resort to the premises primarily for the purpose of taking part in any such gaming.

(5) Where an order under subsection (3) or subsection (4) of this section has been made by licensing justices or a licensing **[**[F7]board**]**, the justices or **[**[F7]board**]** may at any time revoke or vary the order by a subsequent order.

(6) On making any order under this section the licensing justices or licensing **[**[F7]board**]** shall give notice of the making of the order—

(a) to the holder of the licence . . . [F5], in the case of any such premises as are mentioned in paragraph (*a*) of subsection (2) of this section, . . . [F8]

(b) . . . . . [F8]

and shall send a copy of the notice to the chief officer of police, or, in Scotland, the chief constable, for the police area in which the premises are situated; and any such order shall come into force on the giving of the notice to the holder of the licence . . . [F5], . . . [F9], and, subject to any subsequent order revoking or varying it, shall continue in force so long as the premises continue to be premises to which this section applies.

(7) Nothing in this section, or in any order made under this section, shall be construed as affecting the operation of sections 2 to 4 of this Act in relation to gaming on any premises to which this section applies.

(8) In this section "justices' on-licence", "Part IV licence" and "licensing district" have the same meanings as in the [M2]Licensing Act 1964, **[**[F10]and "hotel licence", "public house licence" and "licensing area" have the same meanings as in the [M3]Licensing (Scotland) Act 1976.**]**

Textual Amendments

F3 Word substituted (S) by Licencing (Scotland) Act 1976 (c. 66), **Sch. 7 para. 9** (*a*)

F4 S. 6(2)(*b*)(*c*) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**
F5 Words repealed (S.) by Licensing (Scotland) Act 1976 (c. 66), **Sch. 8**
F6 S. 6(3)(*b*) and the preceding "or" repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**
F7 Word substituted (S.) by Licensing (Scotland) Act 1976 (c. 66) Sch. 7 para. 9(*b*)-(*e*)
F8 Paragraph(*b*) and the preceding "or" repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**
F9 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**
F10 Words substituted (S.) by Licensing (Scotland) Act 1976 (c. 66), **Sch. 7 para. 9**(*f*)

Marginal Citations
M2 1964 c. 26.
M3 1976 c. 66.

7 Special provisions as to persons under 18.

(1) No person under eighteen shall take part in gaming to which this Part of this Act applies on any premises to which section 6 of this Act applies.

(2) In the case of any such premises as are mentioned in section 6(2)(*a*) of this Act, neither the holder of the licenc. . . . [F11] nor any person employed by him shall knowingly allow a person under eighteen to take part in any such gaming on the premises.

(3) . . . . . [F12]

(4) . . . . . [F12]

Textual Amendments
F11 Words repealed (S.) by Licensing (Scotland) Act 1976 (c. 66), **Sch. 8**
F12 S. 7(3)(4) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**

8 Offences under Part I.

(1) If any gaming takes place in contravention of any of the provisions of sections 2 to 4 of this Act, every person concerned in the organisation or management of the gaming shall be guilty of an offence.

(2) For the purposes of the preceding subsection any person who takes part in procuring the assembly of the players shall be taken to be concerned in the organisation of the gaming.

(3) Without prejudice to the preceding provisions of this section, where any gaming takes place on any premises, or in any vessel or vehicle, in contravention of any of the provisions of sections 2 to 4 of this Act, any person who, knowing or having reasonable cause to suspect that the premises, vessel or vehicle would be used for gaming in contravention of any of those provisions,—

(a) allowed the premises, vessel or vehicle to be used for the purposes of gaming to which this Part of this Act applies, or

(b) let, or let on hire, the premises, vessel or vehicle, or otherwise made the premises, vessel or vehicle available, to any person by whom an offence under subsection (1) of this section is committed in connection with the gaming,

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

shall be guilty of an offence.

(4) Any person guilty of an offence under subsection (1) or subsection (3) of this section shall be liable—

(a) on summary conviction, to a fine not exceeding £400;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(5) Any person who contravenes section 5(1) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[**[F13]level 4 on the standard scale**]**.

(6) Any person who contravenes section 7(1) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[**[F14]level 1 on the standard scale**]**.

(7) Any person who contravenes subsection (2) . . . [F15]of section 7 of this Act shall be guilty of an offence; and—

(a) where the offence is committed in England or Wales, the provisions of **[**[F16]section 169H**]**, and of section 194(2), of the [M4]Licensing Act 1964, or

(b) where the offence is committed in Scotland, the provisions of **[**[F17]Schedule 5 to the [M5]Licensing (Scotland) Act 1976**]**,

shall have effect as those provisions have effect in relation to an offence under **[**[F18]subsection (2) of section 169E of the said Act of 1964**]**, or to a contravention of subsection (1) of **[**[F17]**[**[F19]section 68**]** of the said Act of 1976**]**, as the case may be.

Textual Amendments

F13 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 3(1), **Sch. 2 Pt. II** it is provided (S.) (1.4.1996) that s. 8(5) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine not exceeding £50.

F14 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

F15 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**

F16 Words in s. 8(7)(a) substituted (E.W.) (23.1.2001) by 2000 c. 30, **ss. 2(3)**, 3(2)

F17 Words substituted (S.) by Licensing (Scotland) Act 1976 (c. 66), **Sch. 7 para. 11**

F18 Words in s. 8(7) substituted (E.W.) (23.1.2001) by 2000 c. 30, **ss. 2(3)**, 3(2)

F19 Words substituted by Criminal Law Act 1977 (c. 45), **Sch. 12**

Marginal Citations

M4 1964 c. 26.

M5 1976 c. 66.

PART II

GAMING ON PREMISES LICENSED OR REGISTERED UNDER THIS PART OF THIS ACT

9 Gaming to which Part II applies.

This Part of this Act applies to all gaming which takes place on premises in respect of which either—

(a) a licence under this Act is for the time being in force, or

(b) a club or a miners' welfare institute is for the time being registered under this Part of this Act,

and which is not gaming by means of any machine to which Part III of this Act applies.

10 Gaming Board for Great Britain.

(1) There shall be established a Board to be known as the Gaming Board for Great Britain (in this Act referred to as "the Board"), consisting of a chairman and other members appointed by the Secretary of State.

(2) The provisions of Schedule 1 to this Act shall have effect with respect to the Board.

(3) It shall be the duty of the Board to keep under review the extent and character of gaming in Great Britain and, in particular, to keep under review the extent, character and location of gaming facilities which—

(a) are for the time being provided on premises in respect of which licences under this Act are for the time being in force, or in respect of which clubs and miners' welfare institutes are for the time being registered under this Part or under Part III of this Act, or

(b) are the subject of applications for the grant or renewal of such licences or such registration,

and to perform such other functions as are assigned to the Board by this Act.

(4) F20

Textual Amendments

F20 S. 10(4) repealed by House of Commons Disqualification Act 1975 (c. 24), **Sch. 3**

11 Provisions as to licensing and registration.

(1) The provisions of Schedule 2 to this Act shall have effect with respect to the licensing of premises under this Act.

(2) The provisions of Schedule 3 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in England and Wales, and the provisions of Schedule 4 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in Scotland.

12 Who may participate in gaming to which Part II applies.

(1) Where gaming to which this Part of this Act applies takes place on any premises, then, subject to the following provisions of this section, no person shall participate in the gaming—

(a) if he is not present on the premises at the time when the gaming takes place there, or

(b) on behalf of another person who is not present on the premises at that time.

(2) Where gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, then, subject to the

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

following provisions of this section, no person shall participate in the gaming unless either—

(a) he is a member of the club specified in the licence who, at the time when he begins to take part in the gaming, is eligible to take part in it, or

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

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

[[F21](3) For the purposes of subsection (2) of this section a member of the club specified in the licence is eligible to take part in the gaming at any particular time if–

(a) he was admitted to membership of the club in pursuance of an application in writing–

(i) made by him in person on the premises, or

(ii) sent by him to those premises,

and at that time at least twenty-four hours have elapsed since his application was made or received there; or

(b) since becoming a member, he has given notice in writing in person on the premises of his intention to take part in gaming on the premises–

(i) to the holder of the licence, or

(ii) to a person acting on behalf of the holder of the licence,

and at that time at least twenty-four hours have elapsed since he gave that notice; or

(c) since becoming a member, he has sent notice in writing of his intention to take part in gaming on those premises to the holder of the licence, and at that time at least twenty-four hours have elapsed since the notice was received there.**]**

(4) Where gaming takes place on premises in respect of which a licence under this Act is for the time being in force, and consists of a game which involves playing or staking against a bank, nothing in subsection (1) or subsection (2) of this section shall prevent the holder of the licence or a person acting on his behalf from holding the bank or having a share or interest in it.

(5) For the purposes of subsection (2) of this section a person shall not be precluded from being a bona fide guest as mentioned in paragraph (*b*) of that subsection by reason only that he makes a payment which is lawfully required in accordance with section 14 of this Act.

(6) Where gaming to which this Part of this Act applies takes place on premises in respect of which a club or miners' welfare institute is for the time being registered under this Part of this Act, no person shall participate in the gaming unless either—

(a) he is a member of the club or institute and there has been an interval of at least forty-eight hours between the time when he applied or was nominated for membership of the club or institute and the time when he begins to take part in the gaming, or

(b) he is a bona fide guest of a person who is a member of the club or institute and there has been an interval of at least forty-eight hours between the time when that person applied or was nominated for membership of the club or institute and the time when the guest begins to take part in the gaming;

and for the purposes of paragraph (*b*) of this subsection a person shall be taken not to be a bona fide guest if he himself makes any payment required for enabling him to obtain access to the premises, or to a part of them which is a part in which the gaming takes place, or if (apart from any stakes hazarded and the payment of any losses incurred by him in the gaming) he makes any payment in money or money's worth in respect of the gaming.

(7) For the purposes of this section a person participates in the gaming if—

(a) he takes part in the gaming as a player, or

(b) where the game involves playing or staking against a bank, he holds the bank or has a share or interest in it.

(8) The preceding provisions of this section shall have effect subject to section 20 of this Act.

Textual Amendments

F21 S. 12(3) substituted (24.8.1999) by S.I. 1999/2136, **art. 3**

Modifications etc. (not altering text)

C3 S. 12 modified by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 2(1)**

13 Restrictions on games to be played.

(1) Subject to the next following subsection, no gaming to which this Part of this Act applies shall take place where any one or more of the conditions specified in section 2(1) of this Act are fulfilled.

(2) Regulations made under this section may provide that the preceding subsection shall not have effect in relation to any gaming if the game played is of a kind specified in the regulations and is so played as to comply with such conditions (if any) as may be prescribed by the regulations in relation to that kind of game.

Modifications etc. (not altering text)

C4 S. 13(1) excluded (13.5.2002) by The Gaming Clubs (Bankers' Games) Regulations 1994 (S.I. 1994/2899), reg. 11(1) (as inserted by The Gaming Clubs (Bankers' Games) (Amendment) Regulations 2002 (S.I. 2002/1130), **reg. 2(7)**)
S. 13(1) excluded (13.5.2002) by The Gaming Clubs (Bankers' Games) Regulations 1994 (S.I. 1994/2899), reg. 12(1) (as inserted by The Gaming Clubs (Bankers' Games) (Amendment) Regulations 2002 (S.I. 2002/1130), **reg. 2(7)**)
S. 13(1) excluded (13.5.2002) by The Gaming Clubs (Bankers' Games) Regulations 1994 (S.I. 1994/2899), reg. 13(2) (as inserted by The Gaming Clubs (Bankers' Games) (Amendment) Regulations 2002 (S.I. 2002/1130), **reg. 2(7)**)

14 Charges for taking part in gaming.

(1) Subject to the following provisions of this section, section 3 of this Act shall have effect in relation to gaming to which this Part of this Act applies as it has effect in relation to gaming to which Part I of this Act applies.

(2) Regulations made under this section may provide that charges which, apart from the regulations, would be prohibited by section 3 of this Act as applied by the preceding subsection may be made as follows, that is to say—

(a) where the gaming takes place on premises in respect of which a licence under this Act is for the time being in force, such charges may, in such circumstances as may be prescribed by the regulations, be made if they comply with such conditions as are so prescribed;

(b) where the gaming takes place on premises in respect of which a club or a miners' welfare institute is for the time being registered under this Part of this Act, such charges may, in such circumstances as may be prescribed by the regulations, be made at a rate not exceeding the rate so prescribed.

(3) Without prejudice to the application of section 51(3) of this Act, regulations made for the purposes of subsection (2)(*a*) of this section may enable different charges to be made in respect of different facilities (whether provided in different parts of the same premises or by way of different games or of the same game played at different tables or otherwise) or in respect of gaming facilities provided on any premises during different sessions of play.

(4) No charge shall be made in accordance with subsection (2)(*a*) of this section unless particulars of the charges and of the circumstances in which they are chargeable—

(a) are displayed on the premises, [F22]. . .

(b) [F22]. . . . . .

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

Textual Amendments

F22 S. 14(4)(b) and the word "and" preceding it omitted (29.3.2002) by virtue of The Deregulation (Bingo and Other Gaming) Order 2002 (S.I. 2002/460), **art. 2**

15 Levy on stakes or winnings.

(1) Subject to the next following subsection, section 4 of this Act shall have effect in relation to gaming to which this Part of this Act applies as it has effect in relation to gaming to which Part I of this Act applies.

(2) Regulations made under this section may provide that, where any gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, a levy, of such amount or calculated in such manner as may be prescribed, may in prescribed circumstances be charged on the stakes or on the winnings of the players.

16 Provision of credit for gaming.

(1) Subject to **[**[F23]subsections **[**[F24](2) to (2A)**]** of this section**]**, where gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, neither the holder of the licence nor any person acting on his behalf or under any arrangement with him shall 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,—

(a) for enabling any person to take part in the gaming, or

(b) in respect of any losses incurred by any person in the gaming.

(2) Neither the holder of the licence nor any person acting on his behalf or under any arrangement with him shall accept a cheque and give in exchange for it cash or tokens for enabling any person to take part in the gaming unless the following conditions are fulfilled, that is to say—

(a) the cheque is not a post-dated cheque, and

(b) it is exchanged for cash to an amount equal to the amount for which it is drawn, or is exchanged for tokens at the same rate as would apply if cash, to the amount for which the cheque is drawn, were given in exchange for them;

but, where those conditions are fulfilled, the giving of cash or tokens in exchange for a cheque shall not be taken to contravene subsection (1) of this section.

[[F25](2ZA) Neither the holder of the licence nor any person acting on his behalf or under any arrangement with him shall accept a debit card payment and give in exchange for it cash or tokens for enabling any person to take part in the gaming unless the following conditions are fulfilled, that is to say—

(a) the payment is exchanged for cash to an amount equal to the amount of the payment, or is exchanged for tokens at the same rate as would apply if cash, to the amount of the payment, were given in exchange for them, and

(b) the payment has been authorised by the holder of the card and by or on behalf of the issuer of the card;

but where those conditions are fulfilled, the giving of cash or tokens in exchange for a debit card payment shall not be taken to contravene subsection (1) above.**]**

[[F26](2A) Neither the holder of a licence under this Act nor any person acting on his behalf or under any arrangement with him shall permit to be redeemed any cheque (not being a cheque which has been dishonoured) accepted in exchange for cash or tokens for enabling any person to take part in gaming to which this Part of this Act applies unless the following conditions are fulfilled, that is to say—

(a) the cheque is redeemed by the person from whom it was accepted giving in exchange for it cash, or tokens, or a substitute cheque, **[**[F27]or a debit card payment,**]** or any combination of these, to an amount equal to the amount of the redeemed cheque or (where two or more cheques are redeemed) the aggregate amount of the redeemed cheques;

(b) it is redeemed during the playing session in which it was accepted, or within thirty minutes after the end of the session;

(c) where a substitute cheque is given in whole or in part exchange for the redeemed cheque the substitute cheque is not a post-dated cheque; [F28]. . .

(d) where tokens are given in whole or in part exchange for the redeemed cheque, the value of each token is equal to the amount originally given in exchange for it or, if the token was won in the gaming, the value it represented when won; **[**[F29] and

(e) where a debit card payment is given in whole or in part exchange for the redeemed cheque, the payment has been authorised by the holder of the card and by or on behalf of the issuer of the card;**]**

but, where those conditions are fulfilled, the return of a redeemed cheque in exchange for cash, or tokens, or a substitute cheque, **[**[F27]or a debit card payment,**]** or any combination of these, shall not be taken to contravene subsection (1) of this section.**]**

(3) Where the holder of a licence under this Act, or a person acting on behalf of or under any arrangement with the holder of such a licence, accepts a cheque in exchange for cash or tokens to be used by a player in gaming to which this Part of this Act applies **[**[F30]or a substitute cheque**]**, he shall not more than two banking days later cause the cheque to be delivered to a bank for payment or collection.

[[F31](3A) Subsection (3) of this section shall not apply to a redeemed cheque.**]**

[[F32](3B) Where the holder of a licence under this Act, or a person acting on behalf of or under any arrangement with the holder of such a licence, accepts a debit card payment in exchange for cash or tokens to be used by a player in gaming to which this Part of this Act applies, or a substitute debit card payment, he shall not more than two banking days later do whatever is required under his arrangements with the issuer of the card to secure that he is credited with the amount of the payment.**]**

(4) Nothing in the [M6]Gaming Act 1710, the [M7]Gaming Act 1835, the [M8]Gaming Act 1845 or the [M9]Gaming Act 1892 shall affect the validity of, or any remedy in respect of, any cheque **[**[F33]or debit card payment**]** which is accepted in exchange for cash or tokens to be used by a player in gaming to which this Part of this Act applies **[**[F34]or any substitute cheque **[**[F35]or substitute debit card payment**]**.**]**

(5) In this section "banking day" means a day which is a business day in accordance with section 92 of the [M10]Bills of Exchange Act 1882

[[F36]"debit card" means a card which may be used as a means of payment under arrangements which do not provide for the extension of credit to the cardholder, but provide for amounts paid by means of the card to be debited to a specified account in his name (or in his name jointly with one or more others);

"debit card payment" means a payment by means of a debit card;**]**

[[F37]"playing session" means a continuous period during one day, or two consecutive days, throughout which gaming is permitted by or under this Act to take place on premises in respect of which a licence under this Act is for the time being in force;

"redeemed cheque" means a cheque accepted in fulfilment of the conditions specified in subsection (2) of this section and returned to the person from whom it was accepted in fulfilment of the conditions specified in subsection (2A) of this section;

"substitute cheque" means a cheque accepted in accordance with subsection (2A) of this section by either the holder of a licence under this Act or a person acting on behalf of or under any arrangement with the holder of such a licence.**]**

[[F38]"substitute debit card payment" means a debit card payment accepted in accordance with subsection (2A) of this section by either the holder of a licence under this Act or a person acting on behalf of or under any arrangement with the holder of such a licence**]**

Textual Amendments

F23 Words inserted by Gaming (Amendment) Act 1986 (c. 11, SIF 12:1), **s. 1(2)**

F24 Words in s. 16(1) substituted (19.4.1997) by S.I. 1997/1075, **art. 3(2)**

F25 S. 16(2ZA) inserted (19.4.1997) by S.I. 1997/1075, **art. 3(3)**
F26 S. 16(2A) inserted by Gaming (Amendment) Act 1986 (c. 11, SIF 12:1), **s. 1(3)**
F27 S. 16: words in para. (a) and in the words following para. (d) in subsection (2A) inserted (19.4.1997) by S.I. 1997/1075, **art. 3(4)(a)**
F28 Word at the end of para. (c) in s. 16(2A) omitted (19.4.1997) by virtue of S.I. 1997/1075, **art. 3(4)(b)**
F29 S. 16(2A)(e) and the word "and" preceding it inserted (19.4.1997) by S.I. 1997/1075, **art. 3(4)(c)**
F30 Words inserted by Gaming (Amendment) Act 1986 (c. 11, SIF 12:1), **s. 1(4)**
F31 S. 16(3A) inserted by Gaming (Amendment) Act 1986 (c. 11, SIF 12:1), **s. 1(5)**
F32 S. 16(3B) inserted (19.4.1997) by S.I. 1997/1075, **art. 3(5)**
F33 Words in s. 16(4) inserted (19.4.1997) by S.I. 1997/1075, **art. 3(6)(a)**
F34 Words inserted by Gaming (Amendment) Act 1986 (c. 11, SIF 12:1), **s. 1(6)**
F35 Words in s. 16(4) inserted (19.4.1997) by S.I. 1997/1075, **art. 3(6)(b)**
F36 Definitions in s. 16(5) inserted (19.4.1997) by S.I. 1997/1075, **art. 3(7)(a)**
F37 Words inserted by Gaming (Amendment) Act 1986 (c. 11, SIF 12:1), **s. 1(7)**
F38 Definition in s. 16(5) inserted (19.4.1997) by S.I. 1997/1075, **art. 3(7)(b)**

Marginal Citations

M6 1710 c. 19.
M7 1835 c. 41.
M8 1845 c. 109.
M9 1892 c. 9.
M10 1882 c. 61.

17 Exclusion of persons under 18.

Except as provided by section 20 or section 21 of this Act, no person under eighteen shall be present in any room while gaming to which this Part of this Act applies takes place in that room.

18 Gaming on Sundays.

[[F39](1) [F40]. . . no gaming shall take place on any Sunday between the hours of four in the morning and two in the afternoon on any premises in respect of which a licence under this Act is for the time being in force**]**

[F41](2) . . . . . .

(3) . . . . . [F42]

Textual Amendments

F39 S. 18(1) substituted by Gaming (Amendment) Act 1987 (c. 11, SIF 12:1), **s. 1(2)**
F40 Words in s. 18(1) repealed (15.4.1997) by S.I. 1997/941, **art. 2(1)(a)**
F41 S. 18(2) repealed (15.4.1997) by S.I. 1997/941, **art. 2(1)(b)**
F42 S. 18(3) repealed by Gaming (Amendment) Act 1987 (c. 11, SIF 12:1), **s. 1(4)**

19 Approval by Board of certain persons connected with gaming.

(1) Where gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, no person shall in pursuance of any service agreement perform any function to which this subsection applies unless a certificate has been issued by the Board, and is for the time being in

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

force, certifying that he has been approved by the Board under this section in respect of the performance of that function on those premises.

(2) Subsection (1) of this section applies to any function which is performed on the premises in question and consists of—

(a) taking part in the gaming as a player, or

(b) assisting the gaming by operating or handling any apparatus, cards, tokens or other articles used in the gaming, or

(c) issuing, receiving or recording cash or tokens used in the gaming or cheques given in respect of any such cash or tokens or in respect of sums won or lost in the gaming, or

(d) watching (otherwise than as manager, organiser or supervisor) the gaming or the performance by any person in pursuance of any service agreement of any function falling within paragraphs (*a*) to (*c*) of this subsection.

(3) In the case of any premises in respect of which a licence under this Act is for the time being in force, the Board may serve a notice under this subsection on any person (whether the holder of the licence or not) appearing to the Board to be acting in any capacity as manager, organiser or supervisor in relation to the gaming or in relation to persons who in pursuance of service agreements perform any functions to which subsection (1) of this section applies.

(4) A notice served under the last preceding subsection in the case of any premises shall require the person on whom it is served, before the end of such period (not being less than twenty-one days from the date of service of the notice) as may be specified in the notice, to obtain the approval of the Board to his acting in relation to those premises in any such capacity as is mentioned in the last preceding subsection; and, after the end of that period, the person on whom the notice is served shall not act in any such capacity in relation to those premises unless a certificate has been issued by the Board, and is for the time being in force, certifying that he has been approved by the Board under this section for acting in that capacity in relation to those premises.

(5) The provisions of Part I of Schedule 5 to this Act shall have effect with respect to applications to the Board for certificates of approval under this section and with respect to the issue and revocation of such certificates.

(6) An application made to the Board for the issue of a certificate of approval shall, in such circumstances and to such extent as is provided by Part II of Schedule 5 to this Act, have effect for the purposes of this section as if it were a certificate of approval issued by the Board, and for the time being in force, under this section.

(7) In this section "service agreement" means any contract of service or of apprenticeship and any contract or arrangement for the rendering of services which is not a contract of service or of apprenticeship.

20 Special provisions as to bingo clubs.

(1) This section applies to any club specified in a licence under this Act where, by virtue of any restrictions which, on the grant or renewal of the licence, were imposed under paragraph 25 of Schedule 2 to this Act and are for the time being in force, gaming to which Part II of this Act applies is limited to the playing of bingo; and in this Part of this Act "bingo club premises" means premises in respect of which a licence under this Act is for the time being in force, where the club specified in the licence is one to which this section applies.

(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 one or other of those premises, and

(b) the draw takes place on one or other of those premises while the game is being played, and

(c) any claim of one of the players to have won is indicated to all the other players before the next number is called,

then, if the conditions specified in the next following subsection are fulfilled, section 12(1) of this Act shall have effect in relation to that game as if those different premises were the same premises.

(3) The conditions referred to in subsection (2) of this section, in relation to a game of bingo played simultaneously on different premises, are that—

(a) 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

(b) 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 that subsection, 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 £1,000

[[F43]Provided that the Secretary of State may by order provide that this subsection shall have effect with the substitution, for the reference to £1,000, of a reference to such other sum as may be specified in the order.**]**

(4) Where subsection (2) of this section has effect in relation to a game of bingo played simultaneously on different premises, then, for the purposes of the application of subsections (2) and (3) of section 12 of this Act in relation to each of those premises, regard shall be had only to such of the players as are present on those particular premises.

[[F44](5) In relation to any club to which this section applies, section 12(3) of this Act shall have effect as if for the words from "if" to the end there were substituted the words "if at that time at least twenty-four hours have elapsed since he applied for membership of the club.".**]**

(6) In relation to gaming which takes place on bingo club premises section 17 of this Act shall not have effect so as to prevent persons under eighteen from being present in any room while a game of bingo is played there, if they do not take part in the game as players.

(7) In relation to any bingo club premises, section 19 of this Act shall have effect as if, in subsection (2) of that section, for the words from "and consists of" to the end of the subsection, there were substituted the words "and is a function of a kind prescribed by regulations made for the purposes of this subsection".

(8) Without prejudice to the operation (where applicable) of subsections (2) to (4) of this section, the aggregate amount paid to players as winnings in respect of all games of bingo played in any one 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 £250:

Provided that the Secretary of State may by order provide that this subsection shall have effect with the substitution, for the reference to £250, of a reference to such other sum as may be specified in the order.

(9) In this section "week" means a period of seven days beginning with Monday, any reference to an aggregate amount shall be construed as including a reference to an aggregate value in money's worth, and any reference to an aggregate amount paid shall be construed accordingly.

Textual Amendments

F43 Proviso added by Gaming (Amendment) Act 1980 (c. 8, SIF 12:1), **s. 1(2)**

F44 S. 20(5) substituted (24.8.1999) by S.I. 1999/2136, **art. 4(1)**

Modifications etc. (not altering text)

C5 S. 20(3) has effect (12.8.2002) with the substitution, for the reference to the sum specified, of a reference to the sum of £500,000 by virtue of S.I. 2002/1904, **art. 2(1)**

C6 S. 20(8) excluded by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 2(3)**

C7 S. 20(8) has effect (12.8.2002) with the substitution, for the reference to the sum specified, of a reference to the sum of £20,000 by virtue of S.I. 2002/1904, **art. 2(2)**

21 special provisions as to gaming for prizes.

(1) This section applies to any gaming which (being gaming to which this Part of this Act applies) is gaming for prizes in respect of which the conditions specified in the next following subsection are fulfilled.

(2) Those conditions are that—

(a) the amount paid by any person for any one chance to win a prize does not exceed one shilling;

(b) the aggregate amount taken by way of the sale of chances in any one determination of winners (if any) of prizes does not exceed fifty shillings, 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 one shilling 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; and

(e) the aggregate amount or value of the prizes on any one determination of winners does not exceed fifty shillings.

(3) Section 13 of this Act shall not have effect in relation to any gaming to which this section applies which takes place on premises in respect of which a licence under this Act is for the time being in force and, in relation to any such gaming, section 3 of this Act, as applied by section 14 of this Act, shall not be taken to be contravened by reason only that a person pays for a chance to win a prize.

(4) Where any gaming to which this section applies takes place on any bingo club premises, section 17 of this Act shall not have effect so as to prevent persons under eighteen from being present in any room on those premises while any such gaming takes place there, if they do not take part in the gaming as players.

(5) Where on the grant or renewal of a licence under this Act in respect of any premises the licensing authority impose restrictions under paragraph 25 of Schedule 2 to this Act whereby gaming on those premises is limited to a particular game or games, those restrictions, in so far as they so limit the gaming, shall not have effect in relation to any gaming to which this section applies.

(6) Where a game of bingo is played for prizes on any bingo club premises, and constitutes gaming to which this section applies, the prizes won in that game shall be disregarded for the purposes of section 20(8) of this Act.

(7) No account shall be taken of subsection (5) of this section for the purpose of determining—

(a) whether a club is one to which section 20 of this Act applies, or

(b) whether any premises are bingo club premises, or

(c) whether, for the purposes of Schedule 2 to this Act, a licence under this Act is a bingo club licence.

(8) The Secretary of State may by order direct that any paragraph of subsection (2) of this section which is specified in the order and which specifies a sum shall have effect as if, for that sum, there were substituted such other sum as may be specified in the order.

Modifications etc. (not altering text)

C8 S. 21(2)(a) has effect (28.5.1999) as if, for the sum specified, there were substituted the sum of 50p by virtue of S.I. 1999/1260, **art. 4(a)**

C9 S. 21(2)(b) has effect (12.8.2002) as if, for the sum specified, there were substituted the sum of £500 by virtue of S.I. 2002/1904, **art. 3(a)**

C10 S. 21(2)(c) has effect (14.1.2002) as if, for the sum specified, there were substituted the sum of £25 by virtue of S.I. 2001/4035, **art. 2**

C11 S. 21(2)(e) has effect (12.8.2002) as if, for the sum specified, there were substituted the sum of £500 by virtue of S.I. 2002/1904,{art. 3(b)}

22 Further power to regulate licensed club premises.

(1) The Secretary of State may make regulations requiring the holder of a licence under this Act in respect of any premises—

(a) to display, in such manner and in such position on those premises as may be prescribed by the regulations, the rules in accordance with which any game is to be played on the premises, either generally or in any particular circumstances;

(b) to make, and to retain during such period as may be prescribed by the regulations, such records as may be so prescribed with respect to cheques **[**[F45]and debit card payments (within the meaning of section 16 of this Act)**]** given in exchange for cash or tokens to be used by players in gaming on those premises **[**[F46]and with respect to redeemed cheques **[**[F47]substitute cheques and substitute debit card payments**]** within the meaning of **[**[F48]that section**]]**, and to provide such verification of those records as may be so prescribed.

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

[[F49](c) during such period as may be so prescribed—

(i) to keep those records or (if the regulations so provide) copies of them on the premises; or

(ii) where those records are kept by means of a computer, to secure that the records are accessible from the premises and that the information comprised in those records can readily be produced in a form in which it can be taken away and in which it is visible and legible.**]**

(2) The Secretary of State may make regulations imposing such prohibitions, restrictions or other requirements (in addition to those imposed by or under the preceding provisions of this Part of this Act) as may appear to the Secretary of State to be requisite—

(a) for securing that gaming on any premises in respect of which a licence under this Act is for the time being in force is fairly and properly conducted, or

(b) for preventing the use of any indirect means for doing anything which, if done directly, would be a contravention of this Part of this Act or of any regulations made thereunder.

(3) The Secretary of State may by regulations provide that a licensing authority—

(a) shall refuse to grant or renew a licence under this Act in such circumstances as may be prescribed by the regulations, or

(b) may refuse to grant or renew such a licence in such circumstances as may be so prescribed, without prejudice to any other grounds on which the grant or renewal could be refused apart from the regulations, or

(c) shall, in such circumstances as may be so prescribed, impose such restrictions under paragraph 25 of Schedule 2 to this Act as the regulations may require.

(4) Without prejudice to section 18 of this Act or to any powers exercisable by virtue of the preceding provisions of this section or by virtue of Schedule 2 to this Act, the Secretary of State may by regulations impose restrictions with respect to the hours during which gaming will be permitted to take place on premises in respect of which a licence under this Act is for the time being in force.

Textual Amendments

F45 Words in s. 22(1)(b) inserted (19.4.1997) by S.I. 1997/1075, **art. 4(a)**

F46 Words inserted by Gaming (Amendment) Act 1986 (c. 11, SIF 12:1), **s. 2**

F47 Words in s. 22(1)(b) substituted (19.4.1997) by S.I. 1997/1075, **art. 4(b)**

F48 Words in s. 22(1)(b) substituted (19.4.1997) by S.I. 1997/1075, **art. 4(c)**

F49 S. 22(1)(*c*) inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 1**

Modifications etc. (not altering text)

C12 S. 22(3)(4): functions transferred (1.7.1999) to Scottish ministers so far as exercisable in or as regards Scotland by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1**

23 Offences under Part II.

(1) Subject to the following provisions of this section, if any of the provisions of sections 12 to 20 of this Act, or of any regulations made under subsection (1), subsection (2) or subsection (4) of section 22 of this Act, are contravened in relation to any premises,—

(a) the holder of the licence, if they are premises in respect of which a licence under this Act is for the time being in force, or

(b) every officer of the club or institute, if they are premises in respect of which a club or a miners' welfare institute is for the time being registered under this Part of this Act,

shall be guilty of an offence.

(2) Without prejudice to the preceding subsection, but subject to subsection (3) of this section, if any such provisions as are mentioned in the preceding subsection are contravened in relation to any gaming (or, in the case of the provisions of section 16(3) of this Act, are contravened in relation to a cheque accepted in exchange for cash or tokens to be used by a player in any gaming), every person concerned in the organisation or management of the gaming shall be guilty of an offence.

(3) Where a person is charged with an offence under either of the preceding subsections in respect of a contravention of any such provisions as are mentioned in subsection (1) of this section, 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) Any person guilty of an offence under subsection (1) or subsection (2) of this section shall be liable—

(a) on summary conviction to a fine not exceeding £400,

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(5) Where, on the grant or renewal of a licence under this Act in respect of any premises, or on registering or renewing the registration of a club or a miners' welfare institute under this Part of this Act, the licensing authority or sheriff imposed any restrictions under paragraph 24 or paragraph 25 of Schedule 2, under paragraph 11 of Schedule 3 or under paragraph 13 of Schedule 4 to this Act, subsections (1) to (3) of this section shall have effect in relation to any contravention of those restrictions as they have effect in relation to any contravention of the provisions of sections 12 to 20 of this Act.

(6) If any person, for the purpose of obtaining, for himself or for any other person, a certificate of approval under section 19 of this Act, or the reinstatement of such a certificate after it has been revoked by the Board,—

(a) makes a statement which he knows to be false in a material particular, or

(b) recklessly makes a statement which is false in a material particular,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[**[F50]level 4 on the standard scale**]**.

Textual Amendments

F50 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

Modifications etc. (not altering text)

C13 S. 23 extended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 4(2)**

C14 S. 23(6) amended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 4(2)**

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

24 Power of court to make disqualification order on conviction of certain offences.

(1) Where a person is convicted of an offence committed in respect of any premises under subsection (1) or subsection (2) of section 23 of this Act (including either of those subsections as applied by subsection (5) of that section), the court by which he is convicted may make a disqualification order under this section prohibiting a licence under this Act from being held in respect of those premises during a period specified in the order.

(2) The period specified in a disqualification order under this section shall not exceed five years from the date on which the order comes into force.

(3) Where a disqualification order under this section is made, any licence within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be cancelled as from the time when the order takes effect, and any such licence obtained after the order takes effect shall be null and void.

25 Supplementary provisions as to disqualification orders.

(1) A disqualification order made under section 24 of this Act by a court in England or Wales—
   (a) shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the conviction or against the making of the order, and
   (b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.

(2) The person on whose conviction a disqualification order was made under section 24 of this Act by a court in Scotland may, without prejudice to any other form of appeal under any rule of law, appeal against the order as against the conviction; and the disqualification order—
   (a) shall not take effect until the end of the period of fourteen days commencing with the date on which the order was made; and
   (b) if an appeal against the order or the said conviction is taken within the said period, shall not take effect until the date when that appeal is determined or abandoned or deemed to have been abandoned.

(3) A court shall not make an order under that section prohibiting the holding of a licence in respect of premises specified in the order, unless an opportunity has been given to any person interested in the premises and applying to be heard by the court to show cause why the order should not be made.

(4) At any time while such a disqualification order is in force, the court by which the order was made, on an application made by any person affected by the order, may revoke the order or vary it by reducing any period of prohibition specified in the order.

(5) Where on an application made under subsection (4) of this section the relief asked for is or includes the revocation or variation of a prohibition imposed by the order on the holding of a licence in respect of any premises, a copy of the application shall be served on the chief officer of police, or, in Scotland, the chief constable, for the police area in which the premises are situated.

(6) For the purposes of subsection (4) of this section, a disqualification order under section 24 of this Act made by a court of quarter sessions on appeal from the decision of a magistrates' court shall be treated as having been made by that magistrates' court.

PART III

GAMING BY MEANS OF MACHINES

Introductory

26 Scope of Part III.

(1) This Part of this Act applies to any machine which—

(a) is constructed or adapted for playing a game of chance by means of the machine, and

(b) has a slot or other aperture for the insertion of money or money's worth [F51]... .

(2) In the preceding subsection the reference to playing a game of chance by means of a machine includes playing a game of chance partly by means of a machine and partly by other means if (but only if) the element of chance in the game is provided by means of the machine.

(3) In this Part of this Act "charge for play" means an amount paid in money or money's worth by or on behalf of a player in order to play one or more games by means of a machine to which this Part of this Act applies.

Textual Amendments

F51 Words in s. 26(1)(b) omitted (16.12.2003) by virtue of The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(2)**

Sale, supply and maintenance of machines

27 General restrictions.

(1) Except as provided by subsections (2) to (4) of this section, no person shall, whether as principal or as a servant or agent, sell or supply a machine to which this Part of this Act applies unless—

(a) he is the holder of a certificate issued for the purposes of this subsection by the Board which is for the time being in force, or of a permit in respect of that machine which has been granted for the purposes of this subsection by the Board and is for the time being in force, or

(b) where he sells or supplies the machine as the servant or agent of another person, that other person is the holder of such a certificate or permit.

(2) The preceding subsection does not apply—

(a) to the sale of machines of any description to a person who carries on a business which consists of or includes selling or supplying machines of that description;

(b) to the sale or supply of a machine to a person buying or agreeing or proposing to buy it under a credit-sale agreement, or to the supply of a machine to a person as being a person hiring or agreeing or proposing to hire it under a hire-purchase agreement, where (in any such case) the person who is or is to be the seller or owner in relation to the agreement has at no time had possession

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

of the machine and became or becomes the owner of it only for the purpose of entering into the agreement;

(c) to the sale or supply of a machine as scrap; or

(d) to any transaction whereby the premises in which a machine to which this Part of this Act applies is installed are sold or let and the machine is sold or supplied to the purchaser or tenant as part of the fixtures and fittings of the premises.

(3) Subject to the next following subsection, subsection (1) of this section does not apply to the sale or supply of a machine for use exclusively at a travelling showmen's pleasure fair or for use exclusively on premises used or to be used—

(a) wholly or mainly for the provision of amusements by means of machines to which this Part of this Act applies, or

(b) wholly or mainly for the purposes of a pleasure fair consisting wholly or mainly of amusements, or

(c) as a pleasure pier.

(4) The Secretary of State may by order direct that subsection (3) of this section shall cease to have effect, or shall have effect subject to such exceptions as may be specified in the order.

(5) No person acting as principal shall—

(a) undertake for valuable consideration to maintain the mechanism of a machine to which this Part of this Act applies, or

(b) cause or permit another person to enter into such an undertaking on his behalf,

unless the person so acting as principal is the holder of a certificate issued for the purposes of this subsection by the Board which is for the time being in force, or of a permit in respect of that machine which has been granted for the purposes of this subsection by the Board and is for the time being in force.

(6) The provisions of Schedule 6 to this Act shall have effect with respect to the issue of certificates, and the grant of permits, for the purposes of subsections (1) and (5) of this section.

(7) In this section "credit-sale agreement" means an agreement for the sale of goods under which the whole or part of the purchase price is payable by instalments, and "hire-purchase agreement" has the meaning assigned to it by section 1 of the [M11]Hire-Purchase Act 1965, or, in the application of this section to Scotland, by section 1 of the [M12]Hire-Purchase (Scotland) Act 1965.

Marginal Citations

M11 1965 c. 66.

M12 1965 c. 67.

28 Restrictions as to terms and conditions.

(1) The Secretary of State may by regulations impose such restrictions as he may consider necessary or expedient with respect to the terms and conditions on which machines to which this Part of this Act applies may be sold or supplied or undertaken to be maintained.

(2) Without prejudice to any restrictions imposed by regulations under the preceding subsection, but subject to subsection (3) of this section, no person shall sell or supply, or shall undertake to maintain, a machine to which this Part of this Act applies on terms and conditions which are in any way dependent upon, or provide for any calculation by reference to, the extent to which, or the manner in which, that machine, or any other machine or equipment (whether a machine to which this Part of this Act applies or not), is used.

(3) Subsection (2) of this section shall not have effect in relation to the sale or supply of a machine for use exclusively at a travelling showmen's pleasure fair or for use exclusively on premises used or to be used as mentioned in paragraph (*a*), paragraph (*b*) or paragraph (*c*) of section 27(3) of this Act, or in relation to an undertaking to maintain a machine at any such pleasure fair or on any such premises:

Provided that the Secretary of State may by order direct that this subsection shall cease to have effect, or shall have effect subject to such exceptions as may be specified in the order.

(4) In this section "terms and conditions" includes any terms and conditions as to price, rent or any other payment.

29 Application of ss. 27 and 28 to concessionaires.

For the purposes of sections 27 and 28 of this Act a person (other than a travelling showman) who, in pursuance of any concession, licence or other right granted to him, places a machine, or causes a machine to be placed, on premises which are not in his occupation shall be treated as supplying the machine at the time when it is placed on those premises.

Use of machines for gaming on premises licensed or registered under this Act

30 Registration under Part III.

The provisions of Schedule 7 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in England and Wales, and the provisions of Schedule 8 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in Scotland.

31 Use of machines by virtue of licence or registration.

(1) Subject to any direction given under section 32 of this Act, the following provisions of this section shall have effect where any machine to which this Part of this Act applies is used for gaming on any premises in respect of which—

(a) a licence under this Act is for the time being in force, or

(b) a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act.

[F52(2) The maximum number of machines to which this Part of this Act applies which may be made available for gaming shall be—

(a) in the case of premises in respect of which a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act, three,

(b) in the case of bingo club premises (as defined by section 20 of this Act), four, and

(c) in the case of any other premises in respect of which a licence under this Act is for the time being in force, **[**[F53]ten**].]**

(3) The charge for play for playing a game once by means of any such machine on the premises **[**[F54]shall not exceed**]** one shilling or such other sum as may be specified in an order made by the Secretary of State for the purposes of this subsection.

[[F55](3A) Where any such machine on the premises is able to accept payment of the charge for play in any form other than cash, any object capable of being inserted into the machine to pay for a game or games must be redeemable in accordance with subsection (3B) of this section.

(3B) Any such object is redeemable in accordance with this subsection if—

(a) it is redeemable on demand at the premises where the machine is used for gaming at any time when a machine to which this Part of this Act applies is available for use for gaming at those premises;

(b) a payment for redeeming it must be made in cash or by cheque (or partly in cash and partly by cheque);

(c) any such payment must be of the appropriate amount.

(3C) The appropriate amount is—

(A + B) - C

(A+B)C

where—

A is the amount paid by or on behalf of the player for the use of the object;

B is the amount of any prize credited to the object in accordance with subsection (5B) of this section;

C is the amount charged for one or more services, where the object has been used to pay for the services.

(3D) Subsections (3E) to (3H) of this section apply if—

(a) a player inserts into any such machine on the premises something which is recognised by the machine as having a value exceeding the highest coin value;

(b) the machine immediately holds to the player's credit an amount in respect of the thing ("the initial amount") for the purpose of paying the charge for play for playing games by means of the machine.

(3E) The initial amount must not exceed the highest coin value.

(3F) The machine must not hold any further amount to the player's credit for the purpose of paying the charge for play for playing games by means of the machine unless the player takes action in respect of the machine to indicate that he wishes to play, or continue to play, games by means of the machine.

(3G) The further amount held to the player's credit by virtue of subsection (3F) of this section must not exceed the highest coin value.

(3H) The highest coin value is the value of the highest denomination coin which, when the games are played—

(a) is legal tender in the part of the United Kingdom in which the premises are situated, and

(b) is in general circulation in that part of the United Kingdom.**]**

[[F56](4) In respect of any one game played by means of such a machine on the premises no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than—

(a) a prize delivered in the form of cash, or

(b) a prize delivered in a form specified in subsection (4A) of this section.

(4A) The form referred to in subsection (4) of this section is one which enables the person entitled to it to obtain its value—

(a) in the form of cash or a cheque drawn in his favour (or partly in the form of cash and partly in the form of a cheque drawn in his favour), and

(b) on demand at the premises where the machine is used for gaming at any time when a machine to which this Part of this Act applies is available for use for gaming at those premises.**]**

(5) If an amount is prescribed for the purposes of this subsection, **[**[F57]the value of the prize in respect of any one game played by means of the machine shall not exceed**]** the amount so prescribed.

[[F58](5A) Subsections (5B) and (5C) of this section apply where a player or person claiming under a player is entitled to receive a prize in respect of a game played by means of such a machine.

(5B) The prize may be delivered by crediting any object which is permitted to be inserted into the machine to pay for a game or games by subsection (3A) of this section.

(5C) Despite subsection (4) of this section, the person entitled to the prize may choose to use all or part of its value to pay for one or more services at the premises at which the machine is used for gaming.**]**

(6) If a percentage is prescribed for the purposes of this subsection, then on any premises in respect of which a licence under this Act is for the time being in force there shall not be any such machine which, in accordance with the way in which the machine is constructed, adapted or for the time being regulated, is designed to pay out less than that percentage of the aggregate value of the charges for play inserted in the machine.

(7) There shall be displayed on any such machine on any such premises as are mentioned in subsection (1) of this section—

(a) a statement specifying the value of the prize (or, if there are different prizes, the value of each prize) which can be won by playing a game once by means of the machine;

(b) if there are any special circumstances in which that prize (or, as the case may be, those prizes) cannot be won, a statement of those circumstances; and

(c) a statement of a percentage as being the percentage or minimum percentage of the aggregate value of the charges for play inserted in the machine which the machine is designed to pay out;

and, if the manner in which those statements are to be so displayed is prescribed, they shall be displayed in that manner.

(8) No such machine shall be used for gaming on the premises at any time when the public have access to the premises, whether on payment or otherwise.

[[F59](9) In this section "services" includes a game or games on a machine to which this Part of this Act applies.**]**

Textual Amendments

F52 S. 31(2) substituted (20.6.1996) by S.I. 1996/1359, **art. 5**

F53 Word in s. 31(2)(c) substituted (24.8.1999) by S.I. 1999/2136, **art. 5**

F54 Words in s. 31(3) substituted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(3)**

F55 S. 31(3A)-(3H) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(4)**

F56 S. 31(4)(4A) substituted for s. 31(4) (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(5)**

F57 Words in s. 31(5) substituted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(6)**

F58 S. 31(5A)-(5C) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(7)**

F59 S. 31(9) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(8)**

Modifications etc. (not altering text)

C15 S. 31(3): sum of 50p specified (1.10.1998) for purposes of s. 31(3) by S.I. 1998/2152, **art. 2**.

32 Power for licensing authority to authorise more than two machines.

(1) In connection with any application for the grant or renewal of a licence under this Act the applicant may request the licensing authority to give

[[F60](a) in the case of any premises, a direction under subsection (2);

(b) in the case of bingo club premises (as defined by section 20), a direction under subsection (3).**]**

.

(2) Where **[**[F61]a request is made for a direction under this subsection**]** , and the licensing authority grant or renew the licence, and, on doing so, give a direction under **[**[F62]this subsection**]** specifying a maximum number of machines, then, in relation to any time when the number of machines to which this Part of this Act applies which are available for gaming on the premises does not exceed the number so specified,—

(a) the provisions of subsections (2) to (7) of section 31 of this Act shall not have effect in relation to the premises to which the licence relates, but

(b) the provisions of section 34 **[**[F63](5E)**]** of this Act shall have effect in relation to those premises.

[[F64](3) Where a request is made for a direction under this subsection, and the licensing authority grant or renew the licence, they may, on doing so, give a direction under this subsection specifying a maximum number of AWP machines.

(4) At any time when—

(a) a direction under subsection (3) is in force, and

(b) the number of AWP machines available for gaming on the premises does not exceed the number specified in the direction,

those machines shall be disregarded for the purposes of section 31.

(5) An "AWP" machine is a machine to which this Part of this Act applies and in respect of which either—

(a) the conditions specified in section 34(2) and (3), or
(b) the conditions specified in section 34(5B) and (5C),

are observed.

(6) In the case of a travelling showmen's pleasure fair, subsection (4) does not apply to a machine which is an AWP machine by virtue of subsection (5)(a) unless the condition specified in section 34(5) is observed.**]**

Textual Amendments

F60 S. 32(1)(a)(b) substituted for words (29.3.2002) by The Deregulation (Bingo and Other Gaming) Order 2002 (S.I. 2002/460), **art. 3(2)**

F61 Words in s. 32(2) substituted (29.3.2002) by The Deregulation (Bingo and Other Gaming) Order 2002 (S.I. 2002/460), **art. 3(3)(a)**

F62 Words in s. 32(2) substituted (29.3.2002) by The Deregulation (Bingo and Other Gaming) Order 2002 (S.I. 2002/460), **art. 3(3)(b)**

F63 Words in s. 32(2)(b) inserted (20.6.1996) by S.I. 1996/1359, **art. 7(2)**

F64 S. 32(3)-(6) inserted (29.3.2002) by The Deregulation (Bingo and Other Gaming) Order 2002 (S.I. 2002/460), **art. 3(4)**

Use of machines for gaming by way of amusement with prizes

33 Use of machines at non-commercial entertainments.

(1) This section applies to any entertainment which takes place elsewhere than on premises in respect of which—
(a) a licence under this Act is for the time being in force, or
(b) a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act,

and which is an entertainment of any of the following kinds, that is to say, bazaars, sales of work, fetes, dinners, dances, sporting or athletic events and other entertainments of a similar character, whether limited to one day or extending over two or more days.

[[F65](2) Where a machine to which this Part of this Act applies is used for gaming as an incident of any such entertainment, the whole proceeds of the entertainment, after deducting the expenses of the entertainment, shall be devoted to purposes other than private gain.

(2A) Where a machine to which this Part of this Act applies is used for gaming as an incident of an entertainment to which this section applies, the opportunity to win prizes by means of the machine, or that opportunity 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.**]**

(5) The Secretary of State may by regulations impose such restrictions (in addition to those specified in subsections (2) **[**[F66]and (2A)**]** of this section) as he may consider necessary or expedient with respect to the use of any machine to which this Part of this Act applies for gaming as an incident of an entertainment to which this section applies.

(6) . . . . . [F67]

Textual Amendments

F65 S. 33(2), (2A) substituted for s. 33(2)-(4) by Lotteries Act 1975 (c. 58), **Sch. 4 para. 6(1)**

F66 Word substituted by Lotteries Act 1975 (c. 58), **Sch. 4 para. 6(2)**

F67 S. 33(6) repealed by Lotteries and Amusements Act 1976 (c. 32), **Sch. 5**

34 Other uses of machines for amusement purposes.

(1) The conditions specified in **[**[F68]subsections (2) to (3) and (5) of this section**]** shall be observed where a machine to which this Part of this Act applies is used for gaming—

[[F69](a) on any amusement machine premises in respect of which there is for the time being in force a permit under this section which—

(i) is granted by the authority mentioned in paragraph 1(b) or, as the case may be, (d) of Schedule 9 to this Act, and

(ii) is expressed to be granted for the purposes of this subsection,

(aa) on any premises, other than amusement machine premises, in respect of which there is for the time being in force a permit under this section which is granted as mentioned in paragraph (a)(i) of this subsection,**]**

[F70](b) . . . . . .

(c) on any premises used wholly or mainly for the purpose of a pleasure fair consisting wholly or mainly of amusements provided otherwise than by means of machines to which this Part of this Act applies, being premises in respect of which a permit granted under **[**[F71]section 16 of the [M13]Lotteries and Amusements Act 1976**]** is for the time being in force, or

(d) at a travelling showmen's pleasure fair.

(2) The charge for play for playing a game once by means of the machine shall be one or more coins or tokens inserted in the machine of an amount or value not exceeding (or, if more than one, not in the aggregate exceeding) one shilling.

(3) Except as provided by subsections (4) and (9) of this section, in respect of any one game played by means of the machine no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than one (and only one) of the following, that is to say—

(a) a money prize not exceeding two shillings or a token which is, or two of more tokens which in the aggregate are, exchangeable only for such a money prize;

(b) a non-monetary prize or prizes of a value or aggregate value not exceeding five shillings or a token exchangeable only for such a non-monetary prize or such non-monetary prizes;

(c) a money prize not exceeding two shillings together with a non-monetary prize of a value which does not exceed five shillings less the amount of the money prize, or a token exchangeable only for such a combination of a money prize and a non-monetary prize;

(d) one or more tokens which can be used for playing one or more further games by means of the machine and, in so far as they are not so used, can be exchanged for a non-monetary prize or non-monetary prizes at the appropriate rate.

(4) The condition specified in subsection (3) of this section shall not be taken to be contravened by reason only that a player, after inserting in the machine an amount permitted in accordance with subsection (2) of this section and playing a game

successfully, is afforded by the automatic action of the machine an opportunity to play one or more further games without inserting any further coin or token in the machine, if in respect of all those games—

(a) he does not receive, and is not entitled to receive, any article other than a money prize or money prizes of an amount or aggregate amount not exceeding two shillings, and

(b) he does not receive, and is not entitled to receive, any other benefit or advantage apart from the opportunity to play the further game or games.

(5) In the case of a travelling showmen's pleasure fair the opportunity to win prizes by means of amusements which constitute gaming (whether by the use of machines to which this Part of this Act applies or otherwise) shall not constitute the only, or the only substantial, inducement to persons to attend the fair.

[[F72](5A) The conditions specified in subsections **[**[F73](5B) to (5C)**]** of this section shall be observed where a machine to which this Part of this Act applies is used for gaming on any premises in respect of which a betting office licence is for the time being in force.

(5B) The charge for play for playing a game once by means of the machine **[**[F74]shall not exceed the amount specified in subsection (2) of this section**]**.

[F75](5BA) **[** Payment of the charge for play shall be made in cash.

(5BB) Subsections (5BC) to (5BF) of this section apply if—

(a) a player inserts into the machine something which is recognised by the machine as having a value exceeding the highest coin value;

(b) the machine immediately holds to the player's credit an amount in respect of the thing ("the initial amount") for the purpose of paying the charge for play for playing games by means of the machine.

(5BC) The initial amount must not exceed the highest coin value.

(5BD) The machine must not hold any further amount to the player's credit for the purpose of paying the charge for play for playing games by means of the machine unless the player takes action in respect of the machine to indicate that he wishes to play, or continue to play, games by means of the machine.

(5BE) The further amount held to the player's credit by virtue of subsection (5BD) of this section must not exceed the highest coin value.

(5BF) The highest coin value is the value of the highest denomination coin which, when the games are played—

(a) is legal tender in the part of the United Kingdom in which the premises are situated, and

(b) is in general circulation in that part of the United Kingdom.**]**

(5C) No player or person claiming under a player shall receive, or shall be entitled to receive, in respect of any one game played by means of the machine, any article, benefit or advantage other than a money prize not exceeding £10 delivered by the machine.

(5D) The condition specified in subsection (5C) of this section shall not be taken to be contravened by reason only that a player, after inserting in the machine an amount permitted in accordance with subsection (5B) of this section and playing a game

successfully, is afforded by the automatic action of the machine an opportunity to play one or more further games without inserting any further **[**[F76]payment**]** in the machine, if in respect of all those games—

(a) he does not receive, and is not entitled to receive, any article other than a money prize of an amount or aggregate amount not exceeding £10, and

(b) he does not receive, and is not entitled to receive, any other benefit or advantage apart from the opportunity to play the further game or games.

(5E) Where a machine to which this Part of this Act applies is used for gaming—

(a) on any amusement machine premises in respect of which there is for the time being in force a permit under this section which—

(i) is granted by the authority mentioned in paragraph 1(b) or, as the case may be, (d) of Schedule 9 to this Act, and

(ii) is expressed to be granted for the purposes of this subsection,

(b) on any premises in respect of which there is for the time being in force a permit under this section which is granted by the authority mentioned in paragraph 1(a) or, as the case may be, (c) of Schedule 9 to this Act, or

(c) on any premises in respect of which a licence under this Act and a direction given under section **[**[F77]32(2)**]** of this Act are for the time being in force, where, by virtue of that direction, the provisions of this subsection have effect in relation to the premises,

either the conditions specified in subsections (2) to (3) and (5) of this section or the conditions specified in subsections **[**[F78](5B) to (5C)**]** of this section shall be observed.**]**

(6) The provisions of Schedule 9 to this Act shall have effect with respect to the grant and renewal of permits for the purposes of this section.

(7) No permit for the purposes of this section shall be granted in respect of any premises where a licence under this Act is for the time being in force in respect of them or where a club or a miners' welfare institute is for the time being registered in respect of them under Part II of this Act; and, where such a licence is granted or a club or a miners' welfare institute is so registered in respect of any premises, and a permit granted for the purposes of this section is then in force in respect of those premises, the permit shall thereupon cease to have effect.

[[F79](7A) In subsections (1) and (5E) of this section, references to amusement machine premises are to premises used wholly or mainly for the provision of amusements by means of machines to which this Part of this Act applies.**]**

(8) In this section "non-monetary prize" means a prize which does not consist of or include any money and does not consist of or include any token which can be exchanged for money or money's worth or used for playing a game by means of the machine; and for the purposes of subsection (3)(*d*) of this section a token or tokens shall be taken to be exchanged for a non-monetary prize or prizes at the appropriate rate if either—

(a) the value or aggregate value of the prize or prizes does not exceed five shillings and the token or tokens exchanged represent the maximum number of tokens which can be won by playing a game once by means of the machine, or

(b) in any other case, the value or aggregate value of the prize or prizes does not exceed five shillings and bears to five shillings a proportion not exceeding that which the number of tokens exchanged bears to the maximum number of tokens which can be won by playing a game once by means of the machine.

(9) The Secretary of State may by order direct that any provision of this section which is specified in the order and which specifies a sum shall have effect as if, for that sum, there were substituted such other sum as may be specified in the order.

Textual Amendments

F68 Words in s. 34(1) substituted (20.6.1996) by S.I. 1996/1359, **art. 6(2)(a)**

F69 S. 34(1)(a)(aa) substituted (20.6.1996) for s. 34(1)(a) by S.I. 1996/1359, **art. 6(2)(b)**

F70 S. 34(1)(b) repealed (20.6.1996) by S.I. 1996/1359, **art. 6(2)(c)**

F71 Words substituted by Lotteries and Amusements Act 1976 (c. 32), **Sch. 4 para. 2**

F72 S. 34(5A)-(5E) inserted (20.6.1996) by S.I. 1996/1359, **art. 6(3)**

F73 Words in s. 34(5A) substituted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(9)**

F74 Words in s. 34(5B) substituted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(10)**

F75 S. 34(5BA)-(5BF) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(11)**

F76 Word in s. 34(5D) substituted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(12)**

F77 Words in s. 34(5E)(c) substituted (29.3.2002) by The Deregulation (Bingo and Other Gaming) Order 2002 (S.I. 2002/460), **art. 3(5)**

F78 Words in s. 34(5E) substituted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(9)**

F79 S. 34(7A) inserted (20.6.1996) by S.I. 1996/1359, **art. 6(4)**

Modifications etc. (not altering text)

C16 S. 34(2) has effect (1.10.1997) as if, for the sum specified, there were substituted the sum of 30p by virtue of S.I. 1997/2079, art. 3, **Sch.**

C17 S. 34(3)(a) has effect (1.10.1997) as if, for the sum specified, there were substituted the sum of £5 by virtue of S.I. 1997/2079, art. 3, **Sch.**

C18 S. 34(3)(b) has effect (1.10.1995) as if, for the sum specified, there were substituted the sum of £8 by virtue of (E.W.) S.I. 1995/2288, art. 3, **Sch.** and (S.) S.I. 1995/2360, art. 3, **Sch.**

C19 S. 34(3)(c) has effect (1.10.1997) as if, for the first sum specified, there were substituted the sum of £5 by virtue of S.I. 1997/2079, art. 3, **Sch.** and S. 34(3)(c) has effect (1.10.1995) as if, for the second sum specified, there were substituted the sum of £8 by virtue of (E.W.) S.I. 1995/2288, art. 3, **Sch.** and (S.) S.I. 1995/2360, art. 3, **Sch.**

C20 S. 34(4)(a) has effect (1.10.1997) as if, for the sum specified, there were substituted the sum of £5 by virtue of S.I. 1997/2079, art. 3, **Sch.**

C21 S. 34(5C) has effect (1.1.2002) as if, for the reference to the sum specified, there were substituted a reference to the sum of £25 by virtue of S.I. 2001/3971, **art. 2**

C22 S. 34(5D) has effect (1.1.2002) as if, for the reference to the sum specified, there were substituted a reference to the sum of £25 by virtue of S.I. 2001/3971, **art. 2**

C23 S. 34(8)(a) has effect (1.10.1995) as if, for the sum specified, there were substituted the sum of £8 by virtue of (E.W.) S.I. 1995/2288, art. 3, **Sch.** and (S.) S.I. 1995/2360, art. 3, **Sch.**

C24 S. 34(8)(b) has effect (1.10.1995) as if, for the sum specified (in two places), there were substituted the sum of £8 (in both places) by virtue of (E.W.) S.I. 1995/2288, art. 3, **Sch.** and (S.) S.I. 1995/2360, art. 3, **Sch.**

Marginal Citations

M13 1976 c. 32.

General restriction on other gaming by means of machines

35 Use of machines not falling within ss. 31 to 34.

No machine to which this Part of this Act applies shall be used for gaming except—

(a) on premises in respect of which a licence under this Act is for the time being in force, or in respect of which a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act, or

(b) as an incident of an entertainment to which section 33 of this Act applies, or

[[F80](c) as mentioned in section 34(1)(a), (aa), (c) or (d), (5A) or (5E)(a), (b) or (c) of this Act.**]**

Textual Amendments

F80 S. 35(c) substituted (20.6.1996) by S.I. 1996/1359, **art. 7(3)**

Supplementary provisions

36 Removal of money from machines.

(1) Where a machine to which this Part of this Act applies is installed on premises in respect of which—

(a) a licence under this Act is for the time being in force, or

(b) a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act,

no person who is not an authorised person for the purposes of this section shall remove from the machine any money, other than any money delivered by the machine as, or as part of, a prize in respect of a game played by means of the machine.

(2) For the purposes of this section the following are authorised persons in relation to a machine according to the premises on which it is installed, that is to say—

(a) in the case of premises in respect of which a licence under this Act is for the time being in force, the holder of the licence and any person employed by him in connection with the premises;

(b) in the case of premises in respect of which a club is for the time being registered under Part II or under this Part of this Act, any officer or member of the club and any person employed by or on behalf of the members of the club in connection with the premises;

(c) in the case of premises in respect of which a miners' welfare institute is for the time being so registered, any officer of the institute, any person for the time being enrolled as a member of the institute, and any person employed in connection with the premises by or on behalf of the persons so enrolled.

37 Regulations with respect to machines and records.

(1) The Secretary of State may by regulations—

(a) prohibit, or impose such restrictions as he may consider necessary or expedient on, the sale, supply, maintenance or use of machines to which this Part of this Act applies which are of a description specified in the regulations;

(b) prohibit, or impose such restrictions as he may consider necessary or expedient on, the sale or supply of tokens **[**[F81]or other objects**]** of a description so specified for use in machines to which this Part of this Act applies;

(c) impose special requirements in respect of machines to which this Part of this Act applies which are installed, or are sold or supplied for the purpose of being installed, on any such premises as are mentioned in section 36(1) of this Act.

(2) In respect of machines to which this Part of this Act applies which are installed on any such premises, regulations made by the Secretary of State may—

(a) in the case of premises in respect of which a licence under this Act is for the time being in force, require the holder of the licence, or

(b) in the case of premises in respect of which a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act, require the officers of the club or institute,

to make, and to retain during a prescribed period, such records and accounts as may be prescribed with respect to matters to which this subsection applies, and to provide such verification of those records and accounts as may be prescribed; and the regulations may require the holder of the licence or the officers of the club or institute, as the case may be, to send to the Board and to the chief officer of police (or, in Scotland, the chief constable) for the police area in which the premises are situated an annual statement containing such particulars as may be prescribed with respect to matters to which this subsection applies.

(3) The matters to which subsection (2) of this section applies, in relation to a machine, are—

(a) any payments made in respect of the machine, whether by way of rent, maintenance charges or otherwise;

(b) any money or tokens inserted into the machine otherwise than as charges for play; and

(c) any money or tokens removed from the machine, other than money or tokens delivered by the machine as prizes.

Textual Amendments

F81 Words in s. 37(1)(b) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(13)**

38 Offences under Part III.

(1) Any person who contravenes subsection (1) or subsection (5) of section 27 of this Act shall be guilty of an offence.

(2) Any person who sells, supplies or undertakes to maintain a machine in contravention of any regulations made under subsection (1) of section 28 of this Act, or who contravenes subsection (2) of that section, shall be guilty of an offence.

(3) Subject to subsection (11) of this section, where any of the provisions of section 31 of this Act, or of any regulations made in pursuance of section 37(1) of this Act in so far as they relate to the use of machines, or of any regulations made in pursuance of section 37(2) of this Act, is contravened in relation to any premises—

(a) the holder of the licence, if they are premises in respect of which a licence under this Act is for the time being in force, or

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

(b) every officer of the club or institute, if they are premises in respect of which a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act,

shall be guilty of an offence; **[**[F82]and where subsection (5E) of section 34 of this Act is contravened in relation to premises falling within paragraph (c) of that subsection**]**, the holder of the licence in respect of the premises shall be guilty of an offence.

(4) Without prejudice to the last preceding subsection, but subject to subsection (11) of this section, where any such provisions as are mentioned in the last preceding subsection are contravened in relation to a machine on any premises, any person who allowed the machine to be on the premises shall be guilty of an offence.

(5) Where any of the provisions of section 33 of this Act or of any regulations made under that section is contravened in relation to an entertainment, every person concerned in the conduct of the entertainment shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(6) Subject to subsection (11) of this section, where **[**[F83]subsection (1)**]** of section 34 of this Act is contravened [F84]. . . or where, in a case falling within **[**[F85]paragraph (aa)**]** of that subsection, a condition to which the permit is subject is contravened,—

(a) the holder of the permit, in a case falling within paragraph (*a*) **[**[F86]or (aa)**]** or paragraph (*c*) of that subsection, or

(b) the person in charge of the machine, in a case falling within paragraph (*d*) of that subsection,

shall be guilty of an offence.

[[F87](6A) Subject to subsection (11) of this section, where subsection (5A) of section 34 of this Act is contravened, the holder of the betting office licence in respect of the premises shall be guilty of an offence.

(6B) Subject to subsection (11) of this section, where, in the case of any premises falling within paragraph (a) or (b) of subsection (5E) of section 34 of this Act—

(a) that subsection, or

(b) a condition to which the permit is subject,

is contravened, the holder of the permit shall be guilty of an offence.**]**

(7) Where a machine to which this Part of this Act applies is used for gaming on any premises, or in any vessel or vehicle, in contravention of section 35 of this Act, any person who allowed the machine to be on the premises or in the vessel or vehicle shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(8) Any person who contravenes section 36 of this Act shall be guilty of an offence.

(9) Any person who—

(a) sells, supplies or maintains a machine, or sells or supplies any token **[**[F88]or other object for use in machines**]**, in contravention of any regulations made under section 37(1) of this Act, or

(b) on any premises other than premises falling within paragraph (*a*) or paragraph (*b*) of subsection (3) of this section, causes or permits a machine to be used in contravention of any such regulations,

shall be guilty of an offence.

(10) Where any of the provisions of section 33, section 34 or section 35 of this Act is contravened in relation to a machine, then (without prejudice to any liability of any person under the preceding provisions of this section) any person who, knowing or having reasonable cause to suspect that the provisions in question would be contravened in relation to the machine, sold or supplied the machine shall—

(a) in the case of a contravention of section 33 or section 35 of this Act, be guilty of an offence under this paragraph, or

(b) in the case of a contravention of section 34 of this Act, be guilty of an offence under this paragraph.

(11) Where a person is charged with an offence under subsection (3), **[**[F89](4), (6), (6A) or (6B)**]** of this section in respect of a contravention of any such provisions as are mentioned in any of those subsections, 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.

(12) Section 29 of this Act shall have effect for the purposes of subsections (1) and (2) of this section as it has effect for the purposes of sections 27 and 28 of this Act, and any reference in those subsections to contravening any provisions of those sections or any regulations made thereunder shall be construed accordingly.

Textual Amendments

F82 Words in s. 38(3) substituted (20.6.1996) by S.I. 1996/1359, **art. 7(4)**

F83 Words in s. 38(6) substituted (20.6.1996) by S.I. 1996/1359, **art. 7(5)(a)**

F84 Words in s. 38(6) repealed (20.6.1996) by S.I. 1996/1359, **art. 7(5)(b)**

F85 Words in s. 38(6) substituted (20.6.1996) by S.I. 1996/1359, **art. 7(5)(c)**

F86 Words in s. 38(6) inserted (20.6.1996) by S.I. 1996/1359, **art. 7(5)(d)**

F87 S. 38(6A)(6B) inserted (20.6.1996) by S.I. 1996/1359, **art. 7(6)**

F88 Words in s. 38(9)(a) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(14)**

F89 Words in s. 38(11) substituted (20.6.1996) by S.I. 1996/1359, **art. 7(7)**

39 Penalties under Part III.

(1) Any person guilty of an offence under section 38 of this Act shall be liable—

(a) on summary conviction, to a fine not exceeding £400;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(2) Where a person is convicted of an offence under subsection (6) **[**[F90]or (6B)**]**of section 38 of this Act in respect of a contravention of a condition to which a permit under section 34 of this Act is subject, the court by which he is convicted may, if it thinks fit, make an order cancelling the permit.

(3) An order under subsection (2) of this section made by a court in England or Wales—

(a) shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the conviction or against the making of the order, and

(b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.

(4) The holder of a permit in respect of which an order under subsection (2) of this section is made by a court in Scotland may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction, and a permit shall not be cancelled under an order so made—

(a) until the end of the period of fourteen days commencing with the date on which the order was made, nor

(b) if an appeal against the order or the conviction which gave rise thereto is taken within the said period, until the date when that appeal is determined or abandoned or deemed to have been abandoned.

Textual Amendments

F90 Words in s. 39(2) inserted (20.6.1996) by S.I. 1996/1359, **art. 7(8)**

PART IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

40 Special charges for play at certain clubs and institutes.

(1) This section applies to gaming which—

(a) is carried on as one of the activities of a . . . [F91] club or a miners' welfare institute, whether the club or institute is registered under Part II or Part III of this Act or not, and

(b) is gaming in respect of which none of the conditions specified in section 2(1) of this Act is fulfilled.

(2) Subject to the following provisions of this section, nothing in section 3 or section 14 of this Act shall have effect so as to prevent a charge from being made in respect of any person for the right to take part in gaming to which this section applies, if the charge **[**[F92]or (if more than one) the aggregate amount of the charges**]** made in respect of that person for the right to take part in such gaming on any one day does not exceed **[**[F93]2½p**]** or such other sum as may be specified in an order made by the Secretary of State for the purposes of this subsection.

[[F94]The power of the Secretary of State under this subsection includes power to specify—

(a) in the case of gaming carried on as an activity of a members' club or a miners' welfare institute, a sum different from that applicable in the case of gaming carried on as an activity of any other club; and

(b) in the case of gaming which consists exclusively of playing bridge or whist, or bridge and whist, and takes place on a day on which the premises used therefor are not used for any other gaming, or for any other gaming except gaming by means of a machine to which Part III of this Act applies, a sum greater than that applicable in all other cases.**]**

(3) Any such charge as is mentioned in subsection (2) of this section may be made in addition to—

(a) any stakes hazarded in the gaming, and

(b) in the case of a club or institute registered under Part II of this Act, any charge authorised by regulations under section 14(2)(*b*) of this Act.

(4) The preceding provisions of this section shall not have effect in relation to a . . . . . [F91] club unless it is shown—

(a) . . . . . [F95]

(b) that it has not less than twenty-five members; and

(c) that it is so constituted and conducted, in respect of membership and otherwise, as not to be of a temporary character.

Textual Amendments

F91 Word repealed by Gaming (Amendment) Act 1973 (c. 12), **s. 1(2)**

F92 Words inserted by Gaming (Amendment) Act 1973 (c. 12), **s. 1(3)**(*a*)

F93 Words substituted by virtue of Decimal Currency Act 1969 (c. 19), **s. 10(1)**

F94 Words added by Gaming (Amendment) Act 1973 (c. 12), **s. 1(3)**(*b*)

F95 S. 40(4)(*a*) repealed by Gaming (Amendment) Act 1973 (c. 12), **s. 1(2)**

41 Gaming at entertainments not held for private gain.

(1) The provisions of this section shall have effect in relation to gaming which—

(a) consists of games played at an entertainment promoted otherwise than for purposes of private gain, and

(b) is not gaming to which Part II of this Act applies or gaming by means of a machine to which Part III of this Act applies, and

(c) does not constitute the provision of amusements with prizes **[**[F96]as mentioned in section 15(1) or 16(1) of the [M14]Lotteries and Amusements Act 1976**]**;

and any reference in this Act to gaming to which this section applies is a reference to gaming in respect of which the conditions specified in paragraphs (*a*) to (*c*) of this subsection are fulfilled.

(2) Section 2 of this Act shall have effect in relation to gaming to which this section applies as it has effect in relation to gaming to which Part I of this Act applies.

(3) In respect of all games played at the entertainment which constitute gaming to which this section applies, not more than one payment (whether by way of entrance fee or stake or otherwise) shall be made by each player, and no such payment shall exceed ten shillings.

(4) Subject to subsections (7) and (8) of this section, the total value of all prizes and awards distributed in respect of those games shall not exceed fifty pounds.

(5) The whole of the proceeds of such payments as are mentioned in subsection (3) of this section, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, shall be applied for purposes other than private gain.

(6) The sum appropriated out of those proceeds in respect of expenses shall not exceed the reasonable cost of the facilities provided for the purposes of the games.

(7) Where two or more entertainments are promoted on the same premises by the same persons on the same day, subsections (3) to (6) of this section shall have effect in relation to those entertainments collectively as if they were a single entertainment.

(8) Where a series of entertainments is held otherwise than as mentioned in subsection (7) of this section—

(a) subsections (3) to (6) of this section shall have effect separately in relation to each entertainment in the series, whether some or all of the persons taking part in any one of those entertainments are thereby qualified to take part in any other of them or not, and

(b) if each of the persons taking part in the games played at the final entertainment of the series is qualified to do so by reason of having taken part in the games played at another entertainment of the series held on a previous day, subsection (4) of this section shall have effect in relation to that final entertainment as if for the words "fifty pounds" there were substituted the words "one hundred pounds."

(9) The Secretary of State may by order provide that, in relation to entertainments held on or after the date on which the order comes into operation, this section shall have effect as if, for such one or more of the following sums as may be specified in the order, that is to say—

(a) the sum of ten shillings specified in subsection (3) of this section;

(b) the sum of fifty pounds specified in subsections (4) and (8)(*b*) of this section; and

(c) the sum of one hundred pounds specified in subsection (8)(*b*) of this section,

there were substituted such larger sum as is specified in the order.

(10) Subsections (1) to (4) of section 8 of this Act shall have effect as if in those subsections any reference to sections 2 to 4 or to Part I of this Act included a reference to this section.

(11) . . . . . [F97]

Textual Amendments

F96 Words substituted by Lotteries and Amusements Act 1976 (c. 32), **Sch. 4 para. 3**

F97 S. 41(11) repealed by Lotteries and Amusements Act 1976 (c. 32), **Sch. 5**

Modifications etc. (not altering text)

C25 S. 41(3) has effect (E.W.) by virtue of S.I. 1988/1026, art. 3, **Sch.** (S.I. 1988/1026, art. 3, **Sch.** revoked 1. 12. 1992 by S.I. 1992/2646, **art. 3**) and (S.) by virtue of S.I. 1988/1050, art. 3, **Sch.** (S.I. 1988/1050, art. 3, **Sch.** revoked 1. 12. 1992 by S.I. 1992/2754, **art. 3**) as if for the reference to the sum specified in that provision there were substituted a reference to £2.50.

C26 S. 41(3) has effect (E.W.) (1. 12. 1992) by virtue of S.I. 1992/2646, art. 2, **Sch.** as if for the reference to the sum specified in that provision there were substituted a reference to £3.

C27 S. 41(3) has effect (S.) (1. 12. 1992) by virtue of S.I. 1992/2754, art. 2, **Sch.** as if for the reference to the sum specified in that provision there were substituted a reference to £3.

C28 S. 41(4) has effect (E.W.) by virtue of S.I. 1988/1026, art. 3, **Sch.** (S.I. 1988/1026, art. 3, **Sch.** revoked 1. 12. 1992 by S.I. 1992/2646, **art. 3**) and (S.) by virtue of S.I. 1988/1050, art. 3, **Sch.** (S.I. 1988/1050, art. 3, **Sch.** revoked 1. 12. 1992 by S.I. 1992/2754, **art. 3**) as if for the reference to the sum specified in that provision there were substituted a reference to £250

C29 S. 41(4) has effect (E.W.) (1. 12. 1992) by virtue of S.I. 1992/2646, art. 2, **Sch.** as if for the reference to the sum specified in that provision there were substituted a reference to £300.

C30 S. 41(4) has effect (S.) (1. 12. 1992) by virtue of S.I. 1992/2754, art. 2, **Sch.** as if for the reference to the sum specified in that provision there were substituted a reference to £300.

C31 S. 41(8) has effect (E.W.) by virtue of S.I. 1988/1026, art. 3, **Sch.** (S.I. 1988/1026, art. 3, **Sch.** revoked 1. 12. 1992 by S.I. 1992/2646, **art. 3**) and (S.) by virtue of S.I. 1988/1050, art. 3, **Sch.** (S.I. 1988/1050, art. 3, **Sch.** revoked 1. 12. 1992 by S.I. 1992/2754, **art. 3**) as if for the references to the sums specified in that provision there were substituted references to £250 and £500.

C32 S. 41(8) has effect (E.W.) (1. 12. 1992) by virtue of S.I. 1992/2646, art. 2, **Sch.** as if for the references to the sums specified in that provision there were substituted references to £300 and £600.

C33 S. 41(8) has effect (S.) (1. 12. 1992) by virtue of S.I. 1992/2754, art. 2, **Sch.** as if for the references to the sums specified in that provision there were substituted references to £300 and £600.

Marginal Citations

M14 1976 c. 32.

42 Restrictions on advertisements relating to gaming.

(1) Except as provided by this section, no person shall issue, or cause to be issued, any advertisement—

(a) informing the public that any premises in Great Britain are premises on which gaming takes place or is to take place, or

(b) inviting the public to take part as players in any gaming which takes place, or is to take place, on any such premises, or to apply for information about facilities for taking part as players in any gaming which takes place, or is to take place, in Great Britain, or

(c) inviting the public to subscribe any money or money's worth to be used in gaming whether in Great Britain or elsewhere, or to apply for information about facilities for subscribing any money or money's worth to be so used. [F98] . . .

[F98](d) . . . . . .

[F98](e) . . . . . .

[F99](1A) . . . . . .

(2) **[**[F100]Subsection (1) of this section**]** does not apply to any advertisement in so far as it relates to gaming which is, or is to be,—

(a) gaming as an incident of an entertainment to which section 33 of this Act applies, or

(b) gaming to which section 41 of this Act applies, or

(c) gaming on any premises to which paragraph 4 of Schedule 9 to this Act applies and in respect of which a permit under section 34 of this Act is for the time being in force, or

(d) gaming on any premises to which paragraph **[**[F101]3 of Schedule 3 to the [M15]Lotteries and Amusements Act 1976 applies and in respect of which a permit under s. 16**]** of that Act is for the time being in force, or

(e) gaming at any travelling showmen's pleasure fair, **[**[F102]or

(f) gaming in the form of playing bingo**]**

(3) Subsection (1) of this section does not apply to—

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

(a) the display, on any premises in respect of which a licence under this Act is for the time being in force [F103]. . ., of a sign or notice indicating that gaming takes place, or is to take place, on those premises, whether the sign or notice is displayed inside or outside the premises, or

(b) the publication or display of a notice, where the notice is required to be published or displayed by any provision of Schedules 2 to 4 to this Act and the publication or display is so made as to comply with the requirements of that provision, or

(c) the publication in any newspaper of a notice stating that a licence under this Act has been granted, if the notice is published not later than fourteen days from the date on which the licence was granted or from such later date as may be appointed by the licensing authority by whom the licence was granted, and the notice is in a form approved by the licensing authority; [F104]. . .

[F104](d) . . . . . .

[F104](e) . . . . . .

[F104](f) . . . . . .

[F104](g) . . . . . .

and, in the case of any premises in respect of which a club is for the time being registered under Part II or Part III of this Act, subsection (1) of this section shall not apply to any advertisement by reason only that it contains the name of the club.

[F105](3A) . . . . . .

[F105](3B) . . . . . .

[F105](3C) . . . . . .

[[F106](3D) Subsection (1) of this section does not apply to the publication of an advertisement relating to premises, other than bingo club premises, in respect of which a licence under this Act is for the time being in force if–

(a) the advertisement is contained in a publication which is not published wholly or mainly for the purpose of promoting premises on which gaming takes place or is to take place; and

(b) the advertisement contains no more than–

(i) the name, logo, address, telephone and facsimile numbers of the premises; and

(ii) factual written information about the facilities provided on the premises, the ownership of the premises, the persons who may be admitted to the premises and the method by which such persons may become eligible to take part in gaming on the premises.**]**

(4) Subsection (1) of this section does not apply to the publication of an advertisement in a newspaper which circulates wholly or mainly outside Great Britain.

(5) Where a person is charged with an offence under this section, it shall be a defence to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under this section.

(6) For the purposes of this section an advertisement issued by displaying or exhibiting it shall be treated as issued on every day on which it is displayed or exhibited.

(7) Subject to subsection (5) of this section, any person who contravenes subsection (1) of this section shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding £400;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

[[F107](8) In this section—

"advertisement" includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television or by inclusion in a programme service (within the meaning of the [M16]Broadcasting Act 1990) that is not a sound or television broadcasting service and references to the issue of an advertisement shall be construed accordingly;

[F108] . . .

[F108] . . .

[F108] . . .

"public" means the public in Great Britain, and includes any section of the public in Great Britain, however selected;

[F108] . . .]

Textual Amendments

F98 S. 42(1)(d) (e) and the word "or" preceding para. (d) (which were inserted (6.5.1992) by 1992 c. 10, **ss. 1(2)**, 2(2)) repealed (19.4.1997) by S.I. 1997/1074, **art. 3(2)**

F99 S. 42(1A) (which was inserted (6.5.1992) by Bingo Act 1992 (c. 10), **ss. 1(3)**, 2(2)) repealed (19.4.1997) by S.I. 1997/1074, **art. 3(3)**

F100 Words in s. 42(2) substituted (6.5.1992) by Bingo Act 1992 (c. 10), **ss. 1(4)**, 2(2).

F101 Words substituted by Lotteries and Amusements Act 1976 (c. 32), **Sch. 4 para. 4**

F102 Word "or" and para. (f) inserted (19.4.1997) in s. 42(2) by S.I. 1997/1074, **art. 3(4)**

F103 Words in s. 42(3)(a) (which were inserted (6.5.1992) by Bingo Act 1992 (c. 10), **ss. 1(5)**, 2(2)) repealed (19.4.1997) by S.I. 1997/1074, **art. 3(5)(a)**

F104 S. 42(3)(d)-(g) and 'or' preceding para. (d) (which were inserted (6.5.1992) by Bingo Act 1992 (c. 10), **ss. 1(6)**, 2(2)) repealed (19.4.1997) by S.I. 1997/1074, **art. 3(5)(b)**

F105 S. 42(3A)-(3C) (which were inserted (6.5.1992) by Bingo Act 1992 (c. 10), **ss. 1(7)**, 2(2)) repealed (19.4.1997) by S.I. 1997/1074, **art. 3(6)**

F106 S. 42(3D) inserted (24.8.1999) by S.I. 1999/2136, **art. 6**

F107 S. 42(8) substituted (6.5.1992) by Bingo Act 1992 (c. 10), **ss. 1(8)**, 2(2).

F108 Definitions of "bingo club premises", "inducement", "multiple bingo" and "relevant premises" repealed (19.4.1997) by S.I. 1997/1074, **art. 3(7)**

Modifications etc. (not altering text)

C34 S. 42(3)(*a*) explained by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 2(4)**

Marginal Citations

M15 1976 c. 32.

M16 1990 c.42.

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

43 Provision for inspectors and rights of entry and related rights.

(1) The Board may appoint such number of persons as the Secretary of State may with the consent of the Treasury determine to be inspectors for the purposes of this Act; and in this Act "inspector" means any person so appointed.

[[F109](2) Any inspector or constable may at any reasonable time enter any premises in respect of which a licence under this Act is for the time being in force, and while on the premises may—

(a) inspect the premises and any machine or other equipment on the premises, and any book or document on the premises, which he reasonably requires to inspect for the purpose of ascertaining whether a contravention of this Act or of any regulations made under it is being or has been committed;

(b) take copies of any such book or document or of any entry in it; and

(c) if any information reasonably required by him for that purpose is contained in a computer and is accessible from the premises, require it to be produced in a form in which it can be taken away and in which it is visible and legible.**]**

(3) If any person, being the holder of a licence under this Act in respect of any premises or a person acting on behalf of the holder of such a licence,—

(a) fails without reasonable excuse to admit an inspector or constable who demands admission to the premises in pursuance of subsection (2) of this section, or

(b) on being required by an inspector or constable to do so, fails without reasonable excuse to permit the inspector or constable to inspect the premises or any machine or other equipment on the premises, or

(c) on being required by an inspector or constable to produce any book or document in his possession or under his control which relates to those premises and which the inspector or constable reasonably requires to inspect for the purpose specified in subsection (2) of this section, fails without reasonable excuse to produce it to the inspector or constable and to permit the inspector or constable (if he so desires) to take copies of it or of any entry in it, or

[[F110](ca) fails without reasonable excuse to comply with a requirement imposed in relation to those premises under subsection (2)(c) of this section; or**]**

(d) on being required by an inspector to furnish any information relating to the premises which is reasonably required by the Board for the purposes of the performance of their functions, fails without reasonable excuse to furnish that information to the inspector,

the holder of the licence shall be guilty of an offence.

(4) If, on information on oath with respect to any premises,—

(a) a justice of the peace, if the premises are in England or Wales, or

(b) the sheriff or a magistrate or justice of the peace having jurisdiction in the place where the premises are situated, if they are situated in Scotland,

is satisfied that there are reasonable grounds for suspecting that an offence under this Act is being, has been or is about to be committed on those premises, he may issue a warrant in writing authorising any constable, with or without one or more inspectors, to enter the premises, if necessary by force, **[**[F111]at any time within fourteen days from the time of the issue of the warrant**]** and to search the premises.

(5) Any constable who enters any premises under the authority of a warrant issued under subsection (4) of this section may—

(a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act, [F112]. . .

[[F113](aa) if he has reasonable cause to believe that any information which is [[F114]stored in any electronic form] and is accessible from the premises may be required for those purposes, require it to be produced in a form in which it can be taken away and in which it is visible and legible [[F115]or from which it can readily be produced in a visible and legible form]; and]

(b) [[F116]arrest and] search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

[[F117](5A) The holder of a licence under this Act in respect of any premises shall be guilty of an offence if he, or any person acting on his behalf, fails without reasonable excuse to comply with a requirement imposed in relation to those premises under subsection (5)(aa) of this section.]

(6) Without prejudice to any power exercisable by virtue of the preceding provisions of this section, in the case of any premises in respect of which a licence under this Act is for the time being in force or a club or a miners' welfare institute is for the time being registered under Part II or Part III of this Act the Board may at any time serve on the holder of the licence or the chairman or secretary of the club or institute, as the case may be, a notice requiring him, in such manner and within such reasonable time as may be specified in the notice—

(a) to produce for inspection by or on behalf of the Board books or documents relating to those premises of any description specified in the notice which the Board reasonably require to inspect for the purpose specified in subsection (2) of this section, and

(b) to furnish to the Board information relating to those premises of any description specified in the notice which the Board reasonably require for that purpose.

(7) Any power exercisable by the Board by virtue of subsection (6) of this section in respect of any premises shall also be exercisable by the chief officer of police (or, in Scotland, the chief constable) for the police area in which the premises are situated, as if in that subsection any reference to the Board included a reference to that chief officer or chief constable.

(8) If without reasonable excuse any requirement imposed in relation to any premises by a notice served by virtue of subsection (6) or subsection (7) of this section is not complied with,—

(a) the holder of the licence, if they are premises in respect of which a licence under this Act is for the time being in force, or

(b) every officer of the club or institute, if they are premises in respect of which a club or a miners' welfare institute is for the time being registered under Part II or Part III of this Act,

shall be guilty of an offence.

(9) In the case of any premises in respect of which a licence under this Act is for the time being in force, any person duly authorised in writing by the **[**[F118]fire authority (within the meaning of the [M17]Fire Services Act 1947)**]**[F118]fire and rescue authority under the Fire and Rescue Services Act 2004**]** in whose area the premises are situated may at any reasonable time enter the premises for the purpose of ascertaining whether appropriate precautions against the danger of fire are being sufficiently observed; and, in relation to a person so authorised subsection (3) of this section (with the omission of paragraphs (*c*) **[**[F119], (ca)**]** and (*d*)) shall have effect as if in that subsection—

(a) any reference to an inspector or constable were a reference to a person so authorised, and

(b) the reference in paragraph (*a*) to subsection (2) of this section were a reference to the preceding provisions of this subsection.

(10) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding **[**[F120]level 4 on the standard scale**]**.

[[F121](11) In this section—

"document" means anything in which information of any description is recorded, and

"copy", in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly. **]**

Textual Amendments

F109 S. 43(2) substituted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 2(2)**

F110 S. 43(3)(ca) inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 2(3)**

F111 Words repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I**

F112 Word repealed by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 2(4)**

F113 S. 43(5)(aa) inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 2(4)**

F114 Words in s. 43(5)(aa) substituted (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), **ss. 70**, 138(2), Sch. 2 para. 13(1)(a)(2)(c); S.I. 2003/708, art. 2(k)

F115 Words in s. 43(5)(aa) inserted (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), **ss. 70**, 138(2), Sch. 2 para. 13(1)(b)(2)(c); S.I. 2003/708, art. 2(k)

F116 Words repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I**

F117 S. 43(5A) inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 2(5)**

F118 Words in s. 43(9) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(2)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F119 Words inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 2(6)**

F120 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1985 (c. 21, SIF 39:1), **ss. 289F**, 289G

F121 S. 43(11) (which was inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 2(7)**) substituted (31.1.1997) by 1995 c. 38, s. 15(1), **Sch. 1 para. 4** (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, **art. 2**

Modifications etc. (not altering text)

C35 S. 43 amended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 4(3)(a)**

C36 Functions of the Treasury under s. 43(1) now again exercisable by the Treasury by virtue of S.I. 1968/1656 and 1981/1670, art. 2(2)

C37 S. 43(2) amended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 4(3)(b)**
C38 S. 43(3) amended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 4(3)(c)**
C39 S. 43(5): powers of seizure extended (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 50, 138(2), **Sch. 1 paras. 11** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)
C40 S. 43(5) modified (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 55, 138(2), **Sch. 1 paras. 93** (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)
C41 S. 43(5)(aa) modified (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), **ss. 63**, 138(2); S.I. 2003/708, art. 2(a)
C42 S. 43(6) amended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 4(3)(c)**

Marginal Citations
M17 1947 c. 41.

44 Local authority not to maintain or contribute to premises licensed under Part II.

(1) No local authority shall maintain, or contribute towards themaintenance of, any premises in respect of which a licence under thisAct is for the time being in force.

[F122](2) . . . . . .

(3) In this section "local authority", in relation to England and Wales, means the council of a county, . . . [F123], London borough or county district, . . . [F124] and the Common Council of the City of London, and, in relation to Scotland, means **[**[F125]a**][**[F126]council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**.

Textual Amendments
F122 S. 44(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 3
F123 Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**
F124 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102(2), **Sch. 17**
F125 Word substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 24 para. 30**
F126 Words in s. 44(3) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), **Sch. 13 para. 78(2)**; S.I. 1996/323, **art. 4(1)**.

45 Offences by bodies corporate.

(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In this section "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

46 Forfeiture.

(1) Subject to the next following subsection, the court by or before which a person is convicted of an offence under this Act may order anything produced to the court, and

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

shown to the satisfaction of the court to relate to the offence, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

(2) The court shall not order anything to be forfeited under this section, where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

47 Service of documents.

Any notice or other document required or authorised by any provision of this Act to be served on any person, or to be given or sent to any person, **[**[F127]except an application or notice under section 12(3)**]** of this Act, may be served, given or sent—

(a) by delivering it to him; or

(b) by sending it by post to him at his usual or last-known residence or place of business in the United Kingdom; or

(c) in the case of a body corporate, by delivering it to the secretary or clerk of the body corporate at its registered or principal office or sending it by post to the secretary or clerk of that body corporate at that office.

Textual Amendments

F127 Words in s. 47 substituted (24.8.1999) by S.I. 1999/2136, **art. 4(2)**

Modifications etc. (not altering text)

C43 S. 47 applied by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 2(2)**(*c*), Sch. para. 4(3)

48 Financial provisions.

(1) All expenses incurred by the Secretary of State under this Act, together with—

(a) any expenses incurred by the Board under paragraph 6 of Schedule 1 to this Act, and

(b) to such amount as the Secretary of State with the consent of the Treasury may approve, any other expenses incurred by the Board,

shall be defrayed out of moneys provided by Parliament.

(2) There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

(3) **[**[F128]Except as provided by subsections (4) and (4A)**]** of this section the following fees shall be charged under this Act, that is to say—

(a) in respect of the grant of a licence under this Act, a fee of £1,000;

(b) in respect of the renewal of such a licence, a fee of £200;

(c) in respect of the transfer of such a licence, a fee of £150;

[[F129](ca) in respect of an application for a certificate consenting to the making of an application for the grant of a licence under this Act, a fee of £5,000;

(cb) in respect of an application for a certificate consenting to the making of an application for the transfer of such a licence, a fee of £2,500;**]**

(d) in respect of the registration of a club or a miners' welfare institute under Part II of this Act, a fee of £20, and, in respect of the renewal of any such registration, a fee of £10;

(e) in respect of the registration of a club or a miners' welfare institute under Part III of this Act, a fee of £10, and, in respect of the renewal of any such registration, a fee of £5;

(f) in respect of the issue of a certificate of approval under Part I of Schedule 5 to this Act, a fee of £5;

(g) in respect of the issue of a certificate under section 27 of this Act, a fee of £250, and, in respect of the renewal of any such certificate, a fee of £100;

(h) in respect of the grant or renewal of a permit under section 34 of this Act **[**[F130], other than one expressed to be granted for the purposes of subsection (5E) of that section,**]**, a fee of twenty-five shillings.

[[F131](i) in respect of the grant or renewal by a local authority (as defined by paragraph 3 of Schedule 9 to this Act) of a permit under section 34 of this Act which is expressed to be granted for the purposes of subsection (5E) of that section, such fee, as may be fixed annually by the authority for the whole of their area not exceeding

(i) £250, or

(ii) the rate mentioned in subsection (4B) of this section whichever is the less.**]**

(4) Where on the grant or renewal of a licence under this Act in respect of any premises the licensing authority impose any restrictions under paragraph 25 of Schedule 2 to this Act limiting gaming to which Part II of this Act applies to the playing of bingo, the fee to be charged—

(a) under paragraph (*a*) of subsection (3) of this section, shall be £250 instead of £1,000, and

(b) under paragraph (*b*) of that subsection, shall be £100 instead of £200;

and, if the licence is transferred while those restrictions continue to be in force, the fee to be charged under paragraph (*c*) of that subsection shall be £50 instead of £150.

[[F132](4A) Where the licence to which the certificate relates is to be, or is, subject to the restrictions mentioned in subsection (4) above, the fee to be charged under paragraph (ca) or (cb) of subsection (3) of this section shall be £1,500 or £500 instead of £5,000 or £2,500.**]**

[[F133](4B) The rate referred to in subsection (3)(i) of this section is such rate as the local authority reasonably consider necessary to balance their income and expenditure in connection with permits of the kind mentioned in that provision (including expenditure in connection with enforcement).**]**

(5) The Secretary of State may by order direct that any provision of **[**[F134]subsection (3), (4) or (4A)**]** of this section which is specified in the order shall have effect as if, for any reference in that provision to a sum so specified, there were substituted a reference to such other sum as may be so specified.

(6) All **[**[F135]fees charged in accordance with paragraph (ca), (cb), (f) or (g)**]** of subsection (3) of this section, and all fees charged in Scotland in accordance with paragraph (*d*) or paragraph (*e*) of that subsection, shall be paid into the Exchequer.

Textual Amendments

F128 Words in s. 48(3) substituted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 3(2)**; S.I. 1991/59, **art. 2**.

F129 S. 48(3)(ca)(cb) inserted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 3(3)**; S.I. 1991/59, **art. 2**.

F130 Words in s. 48(3)(h) inserted (20.6.1996) by S.I. 1996/1359, **art. 8(2)**

F131 S. 48(3)(i) inserted (20.6.1996) by S.I. 1996/1359, **art. 8(3)**

F132 S. 48(4A) inserted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 3(4)**; S.I. 1991/59, **art. 2**.

F133 S. 48(4B) inserted (20.6.1996) by S.I. 1996/1359, **art. 8(4)**

F134 Words in s. 48(5) substituted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 3(5)**; S.I. 1991/59, **art. 2**.

F135 Words in s. 48(6) substituted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 3(6)**; S.I. 1991/59, **art. 2**.

Modifications etc. (not altering text)

C44 S. 48(3)(a) sum modified (S.) (29.9.2003) by The Gaming Act (Variation of Fees) (Scotland) Order 2003 (S.S.I. 2003/403), arts. 1(1), 2, **Sch.**

C45 S. 48(3)(a) sum modified (E.W.) (1.4.2005) by The Gaming Act 1968 (Variation of Fees) (England and Wales) Order 2005 (S.I. 2005/566), arts. 1(1), 2, **Sch.**

C46 S. 48(3)(b) sum modified (S.) (29.9.2003) by The Gaming Act (Variation of Fees) (Scotland) Order 2003 (S.S.I. 2003/403), arts. 1(1), 2, **Sch.**

C47 S. 48(3)(b) sum modified (E.W.) (1.4.2005) by The Gaming Act 1968 (Variation of Fees) (England and Wales) Order 2005 (S.I. 2005/566), arts. 1(1), 2, **Sch.**

C48 S. 48(3)(c) sum modified (S.) (29.9.2003) by The Gaming Act (Variation of Fees) (Scotland) Order 2003 (S.S.I. 2003/403), arts. 1(1), 2, **Sch.**

C49 S. 48(3)(c) sum modified (E.W.) (1.4.2005) by The Gaming Act 1968 (Variation of Fees) (England and Wales) Order 2005 (S.I. 2005/566), arts. 1(1), 2, **Sch.**

C50 S. 48(3)(ca) sum modified (1.4.2005) by The Gaming Act 1968 (Variation of Fees) Order 2005 (S.I. 2005/567), arts. 1(1), 2, **Sch.**

C51 S. 48(3)(cb) sum modified (1.4.2005) by The Gaming Act 1968 (Variation of Fees) Order 2005 (S.I. 2005/567), arts. 1(1), 2, **Sch.**

C52 S. 48(3)(d) has effect (1.4.2002) as if, for the reference to the sum specified, there were substituted reference to the sum of £120 by virtue of S.I. 2002/642, art. 2, **Sch.**

C53 S. 48(3)(e) has effect (1.4.2002) as if, for the reference to the sum specified, there were substituted reference to the sum of £70 by virtue of S.I. 2002/642, art. 2, **Sch.**

C54 S. 48(3)(f) sum modified (1.4.2004) by The Gaming Act (Variation of Fees) Order 2004 (S.I. 2004/531), arts. 1, 2, **Sch.**

C55 S. 48(3)(g) sums modified (1.4.2005) by The Gaming Act 1968 (Variation of Fees) Order 2005 (S.I. 2005/567), arts. 1(1), 2, **Sch.**

C56 S. 48(3)(h) has effect (2.12.1991) by virtue of (E.W.) S.I. 1991/2177, **art. 2** and (S.) S.I. 1991/2499, **art. 2** with the substitution, for the sum referred to therein, of a reference to £32.

C57 S. 48(4)(a) sums modified (S.) (29.9.2003) by The Gaming Act (Variation of Fees) (Scotland) Order 2003 (S.S.I. 2003/403), arts. 1(1), 2, **Sch.**

C58 S. 48(4)(a) sums modified (E.W.) (1.4.2005) by The Gaming Act 1968 (Variation of Fees) (England and Wales) Order 2005 (S.I. 2005/566), arts. 1(1), 2, **Sch.**

C59 S. 48(4)(b) sums modified (S.) (29.9.2003) by The Gaming Act (Variation of Fees) (Scotland) Order 2003 (S.S.I. 2003/403), arts. 1(1), 2, **Sch.**

C60 S. 48(4)(b) sums modified (E.W.) (1.4.2005) by The Gaming Act 1968 (Variation of Fees) (England and Wales) Order 2005 (S.I. 2005/566), arts. 1(1), 2, **Sch.**

C61 S. 48(4A) sums modified (1.4.2005) by The Gaming Act 1968 (Variation of Fees) Order 2005 (S.I. 2005/567), arts. 1(1), 2, **Sch.**

C62 S. 48(5): functions transferred (1.7.1999) to the Scottish ministers so far as exercisable in relation to s. 48(3)(a)-(c)(h)(i)(4) in or as regards Scotland by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1**

49 Provision of information by licensing authorities and sheriff clerks.

Schedule 10 to this Act shall have effect with respect to—

(a) the performance by or on behalf of licensing authorities of certain functions in connection with licences under this Act and in connection with registration in England and Wales under Part II or Part III of this Act, and

(b) the performance by sheriff clerks of certain functions in connection with registration in Scotland under Part II or Part III of this Act.

50 Annual report of Board.

The Board shall, at such time in each year as the Secretary of State may direct, send to the Secretary of State a report with respect to the performance of their functions; and the Secretary of State shall lay before Parliament a copy of every such report.

51 Regulations and orders.

(1) Subject to the next following subsection, the Secretary of State may make regulations for any purpose for which regulations are authorised or required to be made under this Act.

(2) The Secretary of State shall not make any regulations under this Act except after consultation with the Board.

(3) Any power to make regulations under this Act may be exercised so as to make different provision for different areas or in relation to different cases or different circumstances to which the power is applicable.

(4) Any power conferred by this Act to make an order shall include power to vary or revoke the order by a subsequent order.

(5) Any power to make regulations or orders under this Act shall be exercisable by statutory instrument; and any statutory instrument containing any such regulations or order [F136]... shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F136 Words in s. 51(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 3

[[F137]51A Meaning of "private gain" in relation to non-commercial entertainments.

(1) In construing sections 33 and 41 of this Act, proceeds of any entertainment, lottery or gaming promoted on behalf of a society to which this subsection extends which are applied for any purpose calculated to benefit the society as a whole shall not be held

to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.

(2) Subsection (1) above extends to any society which is established and conducted either—

(a) wholly for purposes other than purposes of any commercial undertaking; or

(b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games;

and in this section "society" includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

(3) For the purposes of sections 33 and 41 of this Act, where any payment falls to be made by way of a hiring, maintenance or other charge in respect of a machine to which Part III of this Act applies or in respect of any equipment for holding a lottery or gaming at any entertainment, then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other machine or equipment is used for the purposes of lotteries or gaming, that payment shall be held to be an application of the proceeds of the entertainment for the purposes of private gain.**]**

Textual Amendments

F137 S. 51A added by Lotteries and Amusements Act 1976 (c. 32), **Sch. 4 para. 5**

52 Interpretation.

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"the Act of 1963" means the [M18]Betting, Gaming and Lotteries Act 1963;

"the Board" means the Gaming Board for Great Britain established under this Act;

"game of chance" does not include any athletic game or sport, but, with that exception, and subject to subsection (6) of this section, includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined;

"gaming" (subject to subsections (3) to (5) of this section) means the playing of a game of chance for winnings in money or money's worth, whether any person playing the game is at risk of losing any money or money's worth or not;

"inspector" has the meaning assigned to it by section 43 of this Act;

"licensing authority" has the meaning assigned to it by paragraph 1 of Schedule 2 to this Act;

"machine" includes any apparatus;

[[F138]"newspaper" includes any journal, magazine or other periodical publication;**]**

"premises" includes any place;

"prescribed" means prescribed by regulations made under this Act;

"travelling showmen's pleasure fair" means a pleasure fair consisting wholly or mainly of amusements provided by travelling showmen which is

held on any day of a year on premises not previously used in that year on more than twenty-seven days for the holding of such a pleasure fair;

"vehicle" includes a railway carriage and also includes an aircraft while it is on the ground and a hover vehicle (that is to say, a vehicle designed to be supported on a cushion of air) whether it is on the ground or not;

"vessel" includes any ship, boat, raft or other apparatus constructed or adapted for floating on water;

"winnings" includes any prize or other winnings of any kind and any reference to the amount or to the payment of winnings shall be construed accordingly.

(2) In this Act "miners' welfare institute" means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular) where —

[[F139](a) the institute is managed by a committee or board of which not less than two-thirds consists partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, a licensed operator or operators (within the meaning of the Coal Industry Act 1994) and partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, an organisation or organisations representing persons employed in or about coal mines;

(aa) in the case of an institute in relation to which either—

(i) the making of an appointment or nomination by a licensed operator, or

(ii) the making of an appointment or nomination by such an organisation as is mentioned in paragraph (a) above,

is not practicable or would not be appropriate, it is managed by a committee or board of which not less than two-thirds consists partly of persons employed or formerly employed in or about coal mines and partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952; or**]**

(b) the premises of the institute, if they are in England or Wales, are held on trusts to which section 2 of the [M19]Recreational Charities Act 1958 applies, or, if they are in Scotland, are held on trust for charitable purposes ("charitable" being construed in the same way as if it were contained in the Income Tax Acts).

(3) Where apart from this subsection the playing of a game of chance would constitute gaming and also constitutes a lottery, then if—

(a) in so far as it is a lottery, it is a lottery promoted as mentioned in **[**[F140]section 3 (small lotteries incidental to certain entertainment), 4 (private lotteries), 5 (societies' lotteries) or 6 (local lotteries) of the [M20]Lotteries and Amusements Act 1976 **[**[F141]or a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993,**]** and**]**

(b) each winner of a prize is ascertained by reference to not more than three determining factors, each of those factors being either the result of a draw or other determination or the outcome of an event,

the playing of the game shall not constitute gaming for the purposes of this Act.

(4) In this Act "gaming" does not include the making of bets by way of pool betting.

(5) For the purposes of this Act a machine shall be taken not to be used for gaming if it is used in such a way that no game played by means of the machine can result in a player,

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

or a person claiming under a player, receiving or being entitled to receive any article, benefit or advantage other than one (but not both) of the following, that is to say—

(a) an opportunity afforded by the automatic action of the machine to play one or more further games without the insertion of any cash or token;

(b) the delivery by means of the machine of one or more coins or tokens as a prize in respect of a game where one or more coins or tokens of an equal or greater value or aggregate value were inserted into the machine by or on behalf of the player in order to play that game.

(6) In determining for the purposes of this Act whether a game, which is played otherwise than against one or more other players, is a game of chance and skill combined, the possibility of superlative skill eliminating the element of chance shall be disregarded.

(7) For the purposes of any provision of this Act which relates to making a charge, or charging a levy, it is immaterial whether a charge or levy is compulsory, customary or voluntary, and any reference to making a charge or charging a levy shall be construed accordingly.

(8) Subject to subsections (1) to (7) of this section, expressions used in this Act to which a meaning is assigned by section 55(1) of the Act of 1963 have the same meanings in this Act as in that Act.

(9) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

Textual Amendments

F138 Definition added by Lotteries and Amusements Act 1976 (c. 32), **Sch. 4 para. 6(1)**

F139 S. 52(2)(a)(aa) substituted (31.10.1994) for s. 52(2)(a) by 1994 c. 21, s. 67, **Sch. 9 para. 12** (with s. 40); S.I. 1994/2552, art. 2, **Sch. 1**

F140 Words substituted by Lotteries and Amusements Act 1976 (c. 32), **Sch. 4 para. 6(2)**

F141 Words in s. 52(3) inserted (25.10.1993) by 1993 c. 39, s. 2, **Sch. 1 para. 1**; S.I. 1993/2632, **art. 2**.

Marginal Citations

M18 1963 c. 2.

M19 1958 c. 17.

M20 1976 c. 32.

53 Minor and consequential amendments, and repeals.

(1) Subject to the provisions of any order made under the following section—

(a) the Act of 1963 shall have effect subject to the amendments specified in Part I of Schedule 11 to this Act, . . . [F142]

(b) the enactments specified in Part III of Schedule 11 to this Act shall have effect subject to the amendments specified in that Part of that Schedule; and

(c) the enactments specified in Schedule 12 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) The rules of law relating to common gaming houses are hereby abolished.

Textual Amendments

F142 Words repealed by Lotteries and Amusements Act 1976 (c. 32), **Sch. 5**

54 Short title, extent and commencement.

(1) This Act may be cited as the Gaming Act 1968.

(2) This Act . . . [F143] shall not extend to Northern Ireland.

[F144](3) . . . . . .

[F144](4) . . . . . .

[F144](5) . . . . . .

Textual Amendments

F143 Words repealed by House of Commons Disqualification Act 1975 (c. 24), **Sch. 3**

F144 S. 54(3)-(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 3

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 10.

PROVISIONS AS TO GAMING BOARD FOR GREAT BRITAIN

1 The Gaming Board for Great Britain shall by that name be a body corporate with perpetual succession and a common seal.

2 The chairman and other members of the Board shall hold and vacate office as such in accordance with the terms of their appointments.

3 A person who ceases to hold office as a member of the Board, or ceases to hold office as chairman, shall be eligible for reappointment.

4 In addition to the inspectors appointed under section 43 of this Act, the Board may appoint such officers and servants as, after consultation with the Secretary of State and with the consent of the **[**[F145]Treasury**]**, the Board may determine; and the Board shall be included among the bodies specified in Schedule 8 to the [M21]Superannuation Act 1965.

Textual Amendments
F145 Words substituted by S.I. 1981/1670, **arts. 2(2)**, 3(5)

Marginal Citations
M21 1965 c. 74.

5 The Secretary of State shall pay to the members of the Board such remuneration and allowances as, with the consent of the **[**[F146]Treasury**]**, he may determine.

Textual Amendments
F146 Words substituted by S.I. 1981/1670, **arts. 2(2)**, 3(5)

[[F147]5A The Secretary of State may pay such pension or gratuity to or in respect of any member of the Board as the Secretary of State may, with the consent of the Treasury, determine.**]**

Textual Amendments
F147 Sch. 1 para. 5A inserted by Social Security Act 1985 (c. 53, SIF 113:1), **s. 25(3)**

6 The Board shall pay to their officers and servants (including the inspectors appointed under section 43 of this Act) such remuneration and allowances as, after consultation with the Secretary of State and with the consent of the **[**[F148]Treasury**]**, the Board may determine.

Textual Amendments

F148 Words substituted by S.I. 1981/1670, **arts. 2(2)**, 3(5)

7 The Board shall have power to regulate their own procedure.

8 The validity of any proceedings of the Board shall not be affected by any vacancy among the members of the Board or by any defect in the appointment of any such member.

SCHEDULE 2

Section 11(1).

GRANT, RENEWAL, CANCELLATION AND TRANSFER OF LICENCES

Introductory

1 (1) Subject to the provisions of this Schedule with respect to certificates of consent, the authority responsible for the grant, renewal, cancellation and transfer of licences under this Act—

(a) in any **[**[F149]local justice**]** area in England or Wales, or

[[F150](b) in any area in Scotland,**]**

shall be the authority which under Schedule 1 to the Act of 1963 is responsible for the grant or renewal of bookmaker's permits, betting agency permits and betting office licences in that area **[**[F151]and references to the proper officer of a licensing authority shall be construed accordingly**]**.

(2) Any such authority is in this Act referred to as a "licensing authority".

Textual Amendments

F149 Words in Sch. 2 para. 1(1)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 132(2)**; S.I. 2005/910, art. 3(y)

F150 Sch. 2 para. 1(1)(b) substituted by Licensing (Scotland) Act 1976 (c. 66), **s. 133(2)**

F151 Words in Sch. 2 para. 1(1) inserted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 57, **58** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

2 (1) In this Schedule "the licensing authority", in relation to a licence under this Act or to an application relating to such a licence, means the licensing authority for the **[**[F152]local justice**]** area in England or Wales, or the licensing area in Scotland, in which the relevant premises are or are to be situated.

(2) In this Schedule—

"the appropriate collector of duty" means the Collector of Customs and Excise for the area in which the relevant premises are or are to be situated;

"the **[**[F153]appropriate fire authority" means the fire authority (within the meaning of the [M22]Fire Services Act 1947)**][**[F153]appropriate fire and rescue authority" means the fire and rescue authority under the Fire and Rescue Services Act 2004**]** in whose area the relevant premises are or are to be situated;

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

"the appropriate local authority"—

(a) in England and Wales, means the local authority (being the council of a [F154]. . ., London borough or county district or the Common Council of the City of London) in whose area the relevant premises are or are to be situated, and

[[F155](b) in Scotland, **[**[F156]the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]** within whose area the relevant premises are, or are to be, situated;**]**

"the appropriate officer of police" means the chief officer of police, or in Scotland, the chief constable, for the police area in which the relevant premises are or are to be situated;

"bingo club licence" means a licence under this Act granted in respect of any premises subject to restrictions under paragraph 25 of this Schedule whereby gaming to which Part II of this Act applies on those premises is limited to the playing of bingo;

[F157]. . .

"the relevant premises", in relation to a licence under this Act or to an application relating to such a licence, means the premises in respect of which the licence is for the time being in force or the premises to which the application relates, as the case may be.

Textual Amendments

F152 Words in Sch. 2 para. 2(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 132(3)**; S.I. 2005/910, art. 3(y)

F153 Words in Sch. 2 para. 2(2) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(3)(a)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F154 Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**

F155 In definition of "the appropriate local authority" para. (b) substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 24 para. 31**

F156 Words in the definition of "the appropriate local authority" in Sch. 2 para. 2(2) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 78(3)**; S.I. 1996/323, **art. 4**

F157 Definition of "the clerk to the licensing authority" in Sch. 2 para. 2(2) repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(7)** (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(ii)**

Marginal Citations

M22 1947 c. 41.

[[F158]2A(1) Each licensing authority shall for each year fix a day in each of the months of

(a) January, April, July and October if the authority is in England or Wales; or

(b) January, March, June and October if the authority is in Scotland,

as a day on which, subject to paragraphs 7 and 13 of this Schedule, they will hold a meeting for the purpose of considering any application for the grant or renewal of a licence under this Act then awaiting consideration.

(2) In addition to any meeting on a day fixed in pursuance of the preceding sub-paragraph, a licensing authority may hold a meeting on any other day for the purpose of considering such applications as are mentioned in that sub-paragraph.**]**

Textual Amendments

F158 Sch. 2 para. 2A inserted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 1(1)**

Certificate of consent for purposes of application for licence

3 (1) An application for the grant of a licence under this Act in respect of any premises shall be of no effect unless—

(a) the Board have issued to the applicant a certificate consenting to his applying for such a licence in respect of those premises, and that certificate is for the time being in force and the application is made within the period specified in the certificate, and

(b) where the certificate is limited to a bingo club licence, the application is for the grant of a bingo club licence in respect of those premises.

(2) In the following provisions of this Schedule any reference to an application for the grant of a licence under this Act shall be construed as not including any application which by virtue of the preceding sub-paragraph is of no effect.

4 (1) The provisions of this paragraph shall have effect with respect to any application for a certificate of consent (in this paragraph referred to as a "consent application") for the purposes of an application for the grant of a licence under this Act (in this paragraph referred to, in relation to a consent application, as "the relevant licence application").

(2) Any consent application shall be made to the Board by the person proposing to make the relevant licence application, and shall—

(a) specify the premises in respect of which the relevant licence application is proposed to be made, and

(b) state whether the relevant licence application will be for the grant of a bingo club licence or for a licence under this Act other than a bingo club licence.

(3) F159

(4) The Board shall not issue a certificate on a consent application if it appears to the Board that the applicant—

(a) not being a body corporate, is under twenty-one years of age, or

(b) not being a body corporate, is not resident in Great Britain or was not so resident throughout the period of six months immediately preceding the date on which the application was made, or

(c) being a body corporate, is not incorporated in Great Britain.

(5) Subject to sub-paragraph (4) of this paragraph, in determining whether to issue to an applicant a certificate consenting to his applying for the grant of a licence under this Act in respect of any premises, the Board shall have regard only to the question whether, in their opinion, the applicant is likely to be capable of, and diligent in, securing that the provisions of this Act and of any regulations made under it will be complied with, that gaming on those premises will be fairly and properly conducted, and that the premises will be conducted without disorder or disturbance.

(6) For the purposes of sub-paragraph (5) of this paragraph the Board shall in particular take into consideration the character, reputation and financial standing—

(a) of the applicant, and

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

(b) of any person (other than the applicant) by whom, if a licence were granted on the relevant licence application **[**[F160]in respect of any club, that club**]** would be managed, or for whose benefit, if a licence were so granted, that club would be carried on,

but may also take into consideration any other circumstances appearing to them to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing the matters mentioned in that sub-paragraph.

(7) If on a consent application made to the Board in respect of any premises the Board issue to the applicant a certificate consenting to his applying for the grant of a licence under this Act in respect of those premises, the certificate shall—

(a) specify the applicant and those premises;

(b) specify a period within which the relevant licence application can be made; and

(c) state whether the consent is or is not limited to a bingo club licence.

Textual Amendments

F159 Sch. 2 para. 4(3) repealed by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 2**

F160 Words substituted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 7**

Application for grant of licence (general provisions)

5 **[**[F161](1) An application for the grant of a licence under this Act may be made at any time.**]**

(2) Any such application shall be made to the **[**[F162]proper officer of**]** the licensing authority in such form and manner as may be prescribed, and shall specify by name and description a club which either—

(a) is a club for whose purposes the relevant premises are used at the time when the application is made, or are intended, if the licence is granted, to be used, or

(b) is intended, if the licence is granted, to be formed as a club for whose purposes the relevant premises will be used,

and shall contain such other particulars as may be prescribed and shall be accompanied by a copy of the certificate of consent issued by the Board for the purposes of that application.

(3) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application—

(a) to the Board;

(b) to the appropriate officer of police;

(c) to the appropriate local authority;

(d) to the appropriate **[**[F163]fire authority**][**[F163]fire and rescue authority**]**, if that authority is not the same body as the appropriate local authority; and

(e) to the appropriate collector of duty.

Textual Amendments

F161 Sch. 2 para. 5(1) substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 3**

F162 Words in Sch. 2 para. 5(2) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 57, **58(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F163 Words in Sch. 2 para. 5(3)(d) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(3)(b)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

6 (1) **[**[F164]Not later than fourteen days after the making of any such application to the licensing authority**]**, the applicant shall cause notice of the making of the application to be published by means of an advertisement in a newspaper circulating in the licensing authority's area.

(2) A notice published in pursuance of this paragraph shall specify the name of the applicant, the name of the club and the location of the relevant premises, shall indicate whether the application is for a bingo club licence or for a licence under this Act other than a bingo club licence, and shall state that any person who desires to object to the grant of the licence should send to the **[**[F165]proper officer of**]** the licensing authority, **[**[F166]before such date (not being earlier than fourteen days after the publication of the advertisement) as may be specified in the notice**]**, two copies of a brief statement in writing of the grounds of his objection.

[[F167](3) Not later than fourteen days before the date specified in the notice in accordance with the preceding sub-paragraph the applicant shall cause a like notice to be displayed outside the entrance to the relevant premises; and the applicant shall take such steps as he reasonably can to keep that notice so displayed until that date.**]**

(4) A notice published or displayed under this paragraph shall not include any matter which is not required by the preceding provisions of this paragraph to be included in it.

Textual Amendments

F164 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 4(2)**

F165 Words in Sch. 2 para. 6(2) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 58(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F166 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 4(3)**

F167 Sch. 2 para. 6(3) substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 4(4)**

7 (1) Not later than seven days after the publication of the newspaper containing the advertisement required by the last preceding paragraph, the applicant shall send a copy of that newspaper to the **[**[F168]proper officer of**]** the licensing authority; and the licensing authority shall not consider the application **[**[F169]earlier than fourteen days after the date specified in the advertisement**]**.

(2) **[**[F170]On or after the date so specified**]**, but not less than seven days before the date fixed by the licensing authority for the consideration of the application, the **[**[F171]proper officer of**]** the licensing authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—

(a) to the applicant;

(b) to all the persons and bodies specified in paragraph 5(3) of this Schedule; and

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

(c) **[**[F171]if the proper officer**]** has received from any other person an objection in writing which has not been withdrawn and the address of that person is known to the clerk, to that person.

(3) The **[**[F172]proper officer of**]** the licensing authority shall also cause notice of that meeting to be displayed at the place where the meeting is to be held in a position where the notice may conveniently be read by members of the public.

(4) With the notice sent to the applicant in accordance with sub-paragraph (2) of this paragraph there shall be enclosed a copy of any objection to the grant of the licence which has been received by the **[**[F172]proper officer of**]** the licensing authority and which has not been withdrawn.

Textual Amendments

F168 Words in Sch. 2 para. 7(1) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 57, **58(4)(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F169 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 5(2)**

F170 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 5(3)**

F171 Words in Sch. 2 para. 7(2) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 57, **58(4)(b)** (with s. 107. Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F172 Words in Sch. 2 para. 7(3)(4) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 57, **58(4)(c)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

Application for grant of licence (initial period)

8.–11 . . . . . [F173]

Textual Amendments

F173 Sch. 2 paras. 8–11 repealed by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 6(1)**

Application for renewal of licence

12 (1) Any application for the renewal of a licence under this Act shall (subject to sub-paragraph (2) of this paragraph) be made **[**[F174]not earlier than five or later than two months before the date on which the licence is due to expire**]**, and shall be made to the **[**[F175]proper officer of**]** the licensing authority in such form and manner, and shall contain such particulars, as may be prescribed.

(2) The licensing authority may in any particular case entertain an application for the renewal of a licence under this Act which is made **[**[F176]later than is required by the last preceding sub-paragraph**]** if—

(a) they are satisfied that the failure to make the application **[**[F177]in time**]** was due to inadvertence, and

(b) the application is made before the end of such extended period as the licensing authority may in that case allow.

Textual Amendments

F174 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 7(2)**

F175 Words in Sch. 2 para. 12(1) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 57, **58(5)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F176 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 7(3)**(*a*)

F177 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 7(3)**(*b*)

[[F178]13(1) Not later than seven days after the date on which an application for the renewal of a licence under this Act is made, the applicant shall send a copy of the application—

(a) to the Board;

(b) to the appropriate officer of police;

(c) to the appropriate local authority;

(d) to the appropriate **[**[F179]fire authority**][**[F179]fire and rescue authority**]**, if that authority is not the same body as the appropriate local authority; and

(e) to the appropriate collector of duty.

(2) Not later than fourteen days after the making of any such application, the **[**[F180]proper officer of**]** the licensing authority shall cause notice of the making of the application to be published by means of an advertisement in a newspaper circulating in the licensing authority's area.

(3) A notice published in pursuance of the preceding sub-paragraph shall state that any person who desires to object to the renewal by the licensing authority of the licence should send to the **[**[F180]proper officer of**]** the licensing authority, before such date (not being earlier than fourteen days after the publication of the advertisement) as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection.

(4) On or after the date so specified, but not less than seven days before the day appointed for the consideration of the application, the **[**[F180]proper officer of**]** the licensing authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—

(a) to the applicant;

(b) to all the persons and bodies specified in sub-paragraph (1) of this paragraph; and

(c) if the **[**[F180]proper officer**]** has received from any other person an objection in writing which has not been withdrawn and the address of that person is known to the **[**[F180]proper officer**]**, to that person.

(5) With the notice sent to the applicant in accordance with the preceding sub-paragraph there shall be enclosed a copy of any objection to the renewal of the licence which has been received by the **[**[F180]proper officer of**]** the licensing authority and which has not been withdrawn.**]**

Textual Amendments

F178 Sch. 2 para. 13 substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 8**

F179 Words in Sch. 2 para. 13(1)(d) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(3)(b)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

F180 Words in Sch. 2 para. 13(2)-(5) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 58(6)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

Proceedings on application for grant or renewal

14 (1) On any application for the grant or renewal of a licence under this Act, the licensing authority may grant or renew the licence without hearing the applicant if no objection to the grant or renewal has been made by any person or if every such objection has been withdrawn before the beginning of the meeting of the authority at which the authority considers the application.

(2) Except as provided by the preceding sub-paragraph, on any such application any of the following persons, that is to say—

(a) the applicant;

(b) any person from whom an objection in writing which has not been withdrawn was received by the **[**[F181]proper officer of**]** the licensing authority before the date on which he sent to the applicant the notice required by paragraph 7(2) [F182]. . ., or (as the case may be) the copy of that objection required to be sent to him by **[**[F183]paragraph 13(5)**]**, of this Schedule; and

(c) the person making any other objection which the authority have decided under paragraph 15 of this Schedule that they will hear,

shall be entitled to be heard either in person or by counsel or a solicitor; and the authority shall also hear any representations made by or on behalf of the Board, the appropriate officer of police, the appropriate local authority, the Commissioners of Customs and Excise or the appropriate **[**[F184]fire authority**][**[F184]fire and rescue authority**]**.

Textual Amendments

F181 Sch. 2 para. 14(2): by 1999 c. 22, ss. 90, 108(1), **Sch. 13 para. 58(7)** (with s. 107, Sch. 14 para. 7(2)) it is provided that for the words "clerk to" in para. 14(2)(a) there shall be substituted the words "proper officer of" (which words "clerk to" appear only in para. 14(2)(b)); the amending provision being brought into force on 1.4.2001 by S.I. 2001/916, **art. 2(a)(ii)**

F182 Words repealed by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 6(2)**

F183 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 9**

F184 Words in Sch. 2 para. 14(2) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(3)(b)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

15 Where, in the case of an application for the grant or renewal of a licence under this Act, an objection to the grant or renewal is received by the **[**[F185]proper officer of**]** the licensing authority on or after the date referred to in paragraph 14(2)(*b*) of this Schedule, the authority—

(a) may refuse to entertain the objection, or

(b) may entertain it but, unless the applicant requests otherwise, shall not hear it until the objector has given to the **[**[F185]proper officer**]** and to the applicant, and the applicant has had time to consider, a brief statement in writing of the grounds of the objection.

Textual Amendments

F185 Words in Sch. 2 para. 15 substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 58(8)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

16 A licensing authority may from time to time adjourn the consideration of any application for the grant or renewal of a licence under this Act, whether for the purposes of paragraph 15 of this Schedule or for any other purpose.

17 On the consideration of any application for the grant or renewal of a licence under this Act, a licensing authority may take evidence on oath and may make such order as they think fit for the payment of costs (or, in Scotland, expenses)—

(a) by the applicant to any person who made an objection to the grant or renewal which was not withdrawn before the date referred to in paragraph 14(2)(*b*) of this Schedule, or

(b) by any such person to the applicant.

Grounds for refusal to grant or renew licence

18 (1) The licensing authority may refuse to grant a licence under this Act if it is not shown to their satisfaction that, in the area of the authority, a substantial demand already exists on the part of prospective players for gaming facilities of the kind proposed to be provided on the relevant premises.

(2) Where it is shown to the satisfaction of the licensing authority that such a demand already exists, the licensing authority may refuse to grant a licence if it is not shown to their satisfaction—

(a) that no gaming facilities of the kind in question are available in that area or in any locality outside that area which is reasonably accessible to the prospective players in question, or

(b) where such facilities are available, that they are insufficient to meet the demand.

19 (1) For the purposes of the last preceding paragraph, the Board may from time to time give advice to any licensing authority as to the extent of the demand on the part of prospective players for gaming facilities of any particular kind, either generally in Great Britain or in any particular part of Great Britain, and as to the extent to which, and the places in which, gaming facilities of any particular kind are available.

(2) In determining whether, on an application for the grant of a licence under this Act, a licence should be refused on the grounds specified in the last preceding paragraph, the licensing authority shall take into account any advice given to them by the Board in pursuance of this paragraph, as well as any representations which, at the time when the application is being considered by the licensing authority, are made to the authority by or on behalf of the Board or any other person entitled to be heard on the consideration of the application.

20 (1) Without prejudice to paragraph 18 of this Schedule, the licensing authority may refuse to grant or renew a licence under this Act on any one or more of the following grounds, that is to say—

(a) that the relevant premises are unsuitable by reason of their lay-out, character, condition or location;

(b) that the applicant is not a fit and proper person to be the holder of a licence under this Act;

(c) that, if the licence were granted or renewed, the club specified in the application would be managed by, or carried on for the benefit of, a person (other than the applicant) who would himself be refused the grant or renewal of a licence under this Act on the grounds that he is not a fit and proper person to be the holder of such a licence;

(d) that the licensing authority, the Board, the appropriate officer of police, the appropriate local authority or the appropriate **[**[F186]fire authority**][**[F186]fire and rescue authority**]**, or the authorised representatives of any of them, have been refused reasonable facilities to inspect the premises;

(e) that any duty payable in respect of the premises under section 13 [F187]. . . of the [M23]Finance Act 1966 **[**[F188]or section 2 of or Schedule 1 to the [M24]Finance Act 1970**][**[F189]or section 13 of or Schedule 2 to the [M25]Betting and Gaming Duties Act 1972**][**[F190]or section 14 of or Schedule 2 to the Betting and Gaming Duties Act 1981**]** remains unpaid.

[[F191](f) that any bingo duty [F192]. . . payable in respect of bingo played on the premises remains unpaid;**]**

[[F193](g) that any gaming duty charged on the premises remains unpaid.**]**

(2) In determining for the purposes of this paragraph whether the relevant premises are unsuitable by reason of any matter mentioned in sub-paragraph (1)(*a*) of this paragraph, the licensing authority shall take into account any advice given to them by the Board with respect to that matter.

[[F194](3) Where the licensing authority entertain an application for the grant or renewal of a licence under this Act in respect of any premises, and are satisfied that any bingo duty payable as mentioned in sub-paragraph (1)(*f*) of this paragraph remains unpaid, they shall refuse the application.**]**

Textual Amendments

F186 Words in Sch. 2 para. 20(1)(d) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(3)(b)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F187 Words repealed by Finance Act 1969 (c. 32), **Sch. 21 Pt. I**

F188 Words inserted by Finance Act 1970 (c. 24), **Sch. 1 Pt. II para. 16(2)**

F189 Words inserted by Betting and Gaming Duties Act 1972 (c. 25), s. 29(1), **Sch. 5 para. 5**

F190 Words inserted by Betting and Gaming Duties Act 1981 (c. 63, SIF 12:2), s. 34(1), **Sch. 5 para. 2**

F191 Para. 20(1)(*f*) added by Finance Act 1969 (c. 32), **Sch. 9 para. 22(1)**

F192 Words repealed by Betting and Gaming Duties Act 1972 (c. 25), **Sch. 7**

F193 Sch. 2 para. 20(1)(g) inserted (19.3.1997) by 1997 c. 16, ss. 13, 15, **Sch. 2 Pt. II para. 5(2)**

F194 Para. 20(3) added by Finance Act 1969 (c. 32), **Sch. 9 para. 22(1)**

Marginal Citations

M23 1966 c. 18.

M24 1970 c. 24.

M25 1972 c. 25.

21 (1) The licensing authority may refuse to renew a licence under this Act on any one or more of the following grounds, in addition to those specified in paragraph 20 of this Schedule, that is to say—

(a) that it is not shown to their satisfaction that, in the area of the authority, a substantial demand exists on the part of players or prospective players for gaming facilities of the kind proposed to be provided on the relevant premises;

(b) that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of this Act, or of any regulations made thereunder;

(c) that, while the licence has been in force, the relevant premises have not been so conducted as to prevent disturbance or disorder;

(d) that, while the licence has been in force, gaming on the relevant premises has been dishonestly conducted;

(e) that, while the licence has been in force, the relevant premises have been used for an unlawful purpose or as a resort of criminals or prostitutes;

(f) that, while the licence has been in force, appropriate precautions against the danger of fire have not been observed, or have been insufficiently observed, in the use of the relevant premises.

(2) The licensing authority may also refuse to renew a licence under this Act on the grounds that, within the period of twelve months ending with the date on which the licensing authority consider the application for renewal of the licence, a notice under paragraph 7 of Schedule 5 to this Act has been served on a person stating that a relevant certificate issued in respect of him under section 19 of this Act is revoked as from the end of a period specified in that notice.

(3) For the purposes of sub-paragraph (2) of this paragraph a certificate issued in respect of a person under section 19 of this Act shall be taken to have been a relevant certificate if it was a certificate certifying that he had been approved by the Board under that section—

(a) in respect of the performance on the relevant premises of a function which, at the time when the notice referred to in that sub-paragraph was served, he was authorised or required to perform on those premises in pursuance of a service agreement which was then in force, or

(b) in respect of his acting in relation to those premises in a capacity in which, at the time when that notice was served, he was acting, or was authorised or required to act, in relation to those premises.

(4) Paragraph 19 of this Schedule shall have effect for the purposes of sub-paragraph (1) (*a*) of this paragraph as it has effect for the purposes of paragraph 18 of this Schedule.

(5) In this paragraph "service agreement" has the same meaning as in section 19 of this Act.

22 (1) The licensing authority shall refuse to grant or renew a licence under this Act if, by virtue of a disqualification order made under section 24 of this Act, such a licence is for the time being prohibited from being held in respect of the relevant premises.

(2) The licensing authority shall refuse to renew a licence under this Act if they are satisfied that, while the licence has been in force, the relevant premises have been habitually used for an unlawful purpose or as a resort of criminals or prostitutes.

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

23 Where for the purposes of paragraph 20(1)(*a*) of this Schedule it falls to be determined whether the relevant premises are unsuitable in respect of their location and those premises were used for the purpose of gaming during a period of not less than six months ending with 19th December 1967,—

(a) the licensing authority shall consider what (if any) evidence there is that those premises appeared to be unsuitable for that purpose during that period, and

(b) if it appears to them that there is no evidence, or insufficient evidence, that they were unsuitable as mentioned in the preceding sub-paragraph, the licensing authority shall have regard in particular to that fact in determining that question.

Restrictions attached to licence

24 On granting or renewing a licence under this Act, the licensing authority may impose such restrictions (if any) on the hours during which gaming will be permitted to take place on the relevant premises as appear to the authority to be necessary for the purpose of preventing disturbance or annoyance to the occupiers of other premises in the vicinity.

25 (1) Without prejudice to the last preceding paragraph, on granting or renewing a licence under this Act the licensing authority, may impose restrictions of either or both of the following descriptions, that is to say—

(a) restrictions limiting the gaming to a particular part or parts of the relevant premises, and

(b) restrictions limiting the gaming to a particular kind of game or particular kinds of games.

(2) Subject to the following provisions of this paragraph, on granting or renewing a licence under this Act the licensing authority (whether they impose any restrictions under sub-paragraph (1) of this paragraph or not) may impose restrictions limiting the purposes, other than gaming, for which, while the licence is in force, the relevant premises may be used, either generally or at such times as may be specified in the restrictions or at times when such conditions as may be so specified are fulfilled.

(3) Where an application for a licence under this Act is made in pursuance of a certificate of consent which states that the consent is limited to a bingo club licence, then—

(a) on granting a licence in pursuance of that consent, and

(b) if a licence has been so granted, on any renewal of that licence,

the licensing authority shall impose restrictions under sub-paragraph (1) of this paragraph in respect of the relevant premises limiting gaming to which Part II of this Act applies to the playing of bingo.

(4) No restrictions shall be imposed under sub-paragraph (2) of this paragraph where, whether in pursuance of sub-paragraph (3) of this paragraph or otherwise, the licensing authority, on granting or renewing the licence, impose restrictions under sub-paragraph (1) of this paragraph in respect of the relevant premises limiting gaming to which Part II of this Act applies to the playing of bingo.

(5) Subject to sub-paragraphs (3) and (4) of this paragraph, in determining whether to impose any restrictions under this paragraph, the licensing authority shall take into account any advice given to them by the Board (whether given for the purposes of this paragraph or in pursuance of paragraph 19 of this Schedule), as well as any

representations which, at the time when the application is being considered by the licensing authority, are made to the authority by or on behalf of the Board or any other person entitled to be heard on the consideration of the application.

26 Any restrictions imposed under paragraph 24 or paragraph 25 of this Schedule shall be imposed so as to have effect until the licence ceases to have effect or is next renewed (whichever first occurs), but without prejudice, where the licence is renewed, to any power or duty of the licensing authority under either of those paragraphs to impose the like or any other restrictions on renewing the licence.

Regulations under section 22(3)

27 Notwithstanding anything in paragraphs 18 to 26 of this Schedule, the licensing authority, in dealing with any application for the grant or renewal of a licence under this Act, shall comply with any regulations under section 22(3) of this Act which are for the time being in force.

Notification of advice given by Board

28 The **[**[F195]proper officer of**]** the licensing authority shall, at the request of any applicant for the grant or renewal of a licence under this Act, furnish him with a statement setting out any advice given to the licensing authority by the Board which the licensing authority propose to take into account in determining the application.

Textual Amendments

F195 Words in Sch. 2 para. 28 substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 58(9)(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

Appeal in England or Wales by applicant

29 (1) Where on an application under this Schedule to a licensing authority in England or Wales the authority refuse to grant or renew a licence, or impose restrictions under paragraph 24 or paragraph 25 of this Schedule, the **[**[F196]proper officer of**]** the licensing authority shall forthwith give notice of the decision of the authority to the applicant; and, within **[**[F197]twenty-one days**]** from the date of service of that notice, the applicant may, by notice to the **[**[F196]proper officer of**]** the authority, appeal against the decision to **[**[F198]the Crown Court**]**.

(2) As soon as practicable after receiving notice of appeal against a decision of the licensing authority, the **[**[F196]proper officer of**]** the authority shall send the notice to **[**[F198]the appropriate officer of the Crown Court**]** together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant and of any person who opposed the application before the authority.

(3) On receipt of the notice of appeal, **[**[F198]the appropriate officer of the Crown Court**]** shall enter the appeal and give in writing to the appellant, to the Board, to the appropriate officer of police, to the appropriate collector of duty, to any person who opposed the application before the authority and to the licensing authority not less than fourteen days' notice of the date, time and place appointed for the hearing of the appeal.

(4) **[**[F198]The Crown Court**]** may by its order allow or dismiss the appeal, or reverse or vary any part of the decision of the licensing authority, whether the appeal relates to that part of it or not, and may deal with the application as if it had been made to **[**[F198]the Crown Court**]** in the first instance; and the judgment of **[**[F198]the Crown Court**]** on the appeal shall be final.

(5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.

Textual Amendments

F196 Words in Sch. 2 para. 29(1)(2) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 58(9)(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F197 Words substituted by virtue of S.I. 1982/1109, rules 6, 7, **Sch. 3 Pt. II**

F198 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

30 (1) . . . . . [F199]

(2) Where **[**[F200]the Crown Court**]**—

(a) has allowed such an appeal, or

(b) has awarded the licensing authority any costs . . . [F201] and is satisfied that the licensing authority cannot recover those costs,

the court shall order payment out of **[**[F202]central funds**]** of such sums as appear to the court sufficient to indemnify the licensing authority from all costs and charges whatever to which they have been put in consequence of the appellant's having served notice of appeal.

(3) . . . . . [F203]

Textual Amendments

F199 Sch. 2 para. 30(1) repealed by S.I. 1971/1292

F200 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

F201 Words repealed by S.I. 1971/1292

F202 Words substituted by Courts Act 1971 (c. 23), **Sch. 6 para. 12**

F203 Sch. 2 para. 30(3)–(5) repealed by Courts Act 1971 (c. 23), s. 56(4), **Sch. 11 Pt. III**

Modifications etc. (not altering text)

C63 "such an appeal" means any appeal under para. 29 of Sch. 2 to this Act

Appeal in England or Wales by Board

31 (1) Where a licensing authority in England or Wales grant or renew a licence under this Act after hearing any objection or representations made by or on behalf of the Board or any other person, and the Board desire to contend—

(a) that the licence ought not to have been granted or renewed, or

(b) that, on granting or renewing the licence, the licensing authority ought to have imposed restrictions, or (where restrictions were imposed) ought to have imposed more stringent restrictions,

the Board may, by notice to the **[**[F204]proper officer of**]** the licensing authority, appeal against the decision of the licensing authority to **[**[F205]the Crown Court**]**.

(2) As soon as practicable after receiving notice of appeal under this paragraph, the **[**[F204]proper officer of**]** the licensing authority shall send the notice to **[**[F206]the appropriate officer of the Crown Court**]** together with a statement of the decision against which the appeal is brought and the name and last-known residence or place of business of the applicant who applied for the grant or renewal and of any person (other than the Board) who opposed the application before the licensing authority.

(3) On receipt of the notice of appeal, **[**[F206]the appropriate officer of the Crown Court**]** shall enter the appeal and give in writing to the Board, to the applicant, to the appropriate officer of police, to any person (other than the Board) who opposed the application before the licensing authority, and to the licensing authority, not less than seven days' notice of the date, time and place appointed for the hearing of the appeal.

(4) Sub-paragraphs (4) and (5) of paragraph 29 of this Schedule shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under that paragraph.

Textual Amendments

F204 Words in Sch. 2 para. 31(1)(2) substituted (1.4.2001) by 1999 c. 22, s. 90, 108(1), **Sch. 13 para. 58(9)(c)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F205 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

F206 Words substituted by Courts Act 1971 (c. 23), **Sch. 8 para. 2**

32 (1) On determining any appeal under the last preceding paragraph, or on being satisfied that the Board, after giving notice of such an appeal, have failed to prosecute it, **[**[F207]the Crown Court**]** may make such order as it thinks fit for the payment of costs by or to—

(a) the applicant who applied for the grant or renewal to which the appeal relates;

(b) the Board;

(c) any person (other than the Board) who opposed the application before the licensing authority; or

(d) the licensing authority.

(2) Sub-paragraphs (2) . . . [F208] of paragraph 30 of this Schedule shall have effect for the purposes of this paragraph as they have effect for the purposes of that paragraph.

Textual Amendments

F207 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

F208 Words repealed by Courts Act 1971 (c. 23), s. 56(4), **Sch. 11 Pt. III**

Appeal in Scotland by applicant

33 (1) Where on an application under this Schedule to a licensing authority in Scotland the authority refuse to grant or renew a licence, or impose restrictions under paragraph 24 or paragraph 25 of this Schedule, the **[**[F209]proper officer of**]** the licensing authority shall forthwith give notice of the decision of the authority to the applicant; and

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

the applicant may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision to the sheriff having jurisdiction in the authority's area.

(2) F210

(3) F210

Textual Amendments

F209 Words in Sch. 2 para. 33(1) substituted (1.4.2001) by 1999 c. 22, s. 90, 108(1), **Sch. 13 para. 58(9)(d)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F210 Sch. 2 paras. 33(2)(3), 34(2) repealed by Licensing (Scotland) Act 1976 (c. 66), **Sch. 8**

Modifications etc. (not altering text)

C64 Para. 33 applied by Licensing (Scotland) Act 1976 (c. 66), **s. 133(4)**

Appeal in Scotland by Board

34 (1) Where a licensing authority in Scotland grant or renew a licence under this Act after hearing any objection or representations made by or on behalf of the Board or any other person, and the Board desire to contend—

(a) that the licence ought not to have been granted or renewed, or

(b) that, on granting or renewing the licence, the licensing authority ought to have imposed restrictions, or (where restrictions were imposed) ought to have imposed more stringent restrictions,

the Board may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision of the licensing authority to the sheriff having jurisdiction in the authority's area.

(2) F211

Textual Amendments

F211 Sch. 2 paras. 33(2)(3), 34(2) repealed by Licensing (Scotland) Act 1976 (c. 66), **Sch. 8**

Modifications etc. (not altering text)

C65 Para. 34 applied by Licensing (Scotland) Act 1976 (c. 66), **s. 133(4)**

Revocation by Board of certificate of consent

35 (1) Where under the preceding provisions of this Schedule the Board have issued to a person a certificate of consent to his applying for a licence under this Act in respect of any premises, then, subject to the following provisions of this paragraph, the Board may at any time revoke that certificate, whether before that time—

(a) the holder of the certificate has applied for a licence under this Act in respect of those premises, or

(b) in pursuance of such an application, the licensing authority have granted him such a licence,

or not.

(2) Subject to the next following sub-paragraph, the Board shall not revoke a certificate of consent in respect of any premises at any time unless it appears to them—

(a) that, if the holder of the certificate were then applying for such a certificate under paragraph 4 of this Schedule, the Board would be precluded by sub-paragraph (4) of that paragraph from issuing such a certificate to him, or

(b) that any information which, in or in connection with the application on which the certificate was issued, was given to the Board by or on behalf of the applicant for the certificate was false in a material particular, or

(c) that, since the certificate was issued, a licence under this Act held by the holder of the certificate (whether in respect of the same or different premises) has been cancelled by virtue of a disqualification order made under section 24 of this Act or under this Schedule or in the exercise of the powers conferred on the licensing authority or the court by the following provisions of this Schedule.

(3) Where the holder of a certificate of consent in respect of any premises has in pursuance of the certificate applied for the grant of a licence under this Act in respect of those premises, and such a licence has been granted and is for the time being in force, the Board may revoke the certificate at any time if it appears to them—

(a) that, in relation to the conduct of the premises or the conduct of gaming on those premises, effective control is being exercised by a person other than the holder of the certificate, and

(b) that the other person in question, in view of his character and reputation, is not a person to whom, if he were then applying for a certificate of consent under the preceding provisions of this Schedule, the Board would issue such a certificate.

(4) Where the Board determine to revoke a certificate of consent by virtue of this paragraph they shall serve a notice on the holder of the certificate stating that the certificate is revoked as from the end of the period of eight weeks from the date of service of the notice; and the revocation shall take effect at the end of that period, unless before the end of that period the Board have served on the holder of the certificate a further notice stating that they have rescinded their decision to revoke the certificate.

(5) Where the Board serve any such notice as is mentioned in sub-paragraph (4) of this paragraph they shall send a copy of the notice to the **[**[F212]proper officer of**]** the licensing authority, to the appropriate officer of police and to the appropriate collector of duty.

(6) On the revocation by virtue of this paragraph of a certificate of consent in respect of any premises, any licence under this Act in respect of those premises which—

(a) specifies that certificate as being the certificate in pursuance of which the application for the licence was made, and

(b) is in force at the time when the revocation of the certificate takes effect,

shall thereupon cease to have effect.

Textual Amendments

F212 Words in Sch. 2 para. 35(5) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(9)(e)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

[F213 Application for continuance of certificate following change of controller of body corporate.

Textual Amendments

F213 Sch. 2 para. 35A inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 5**

[F214 35A (1) Where the holder of a certificate of consent to his applying for the grant of a licence under this Act (other than a certificate limited to a bingo club licence) is a body corporate and at any time while the certificate is in force any person becomes a controller of the holder—

(a) the holder shall make an application to the Board for the continuance of the certificate in accordance with this paragraph; and

(b) on such an application the Board shall continue the certificate in force unless they determine to revoke it under the subsequent provisions of this paragraph.

(2) An application under this paragraph shall contain such particulars as the holder of the certificate can reasonably provide of the controller in question and of the nature and extent of his interest in the holder of the certificate and in any body corporate of which the holder is a subsidiary.

(3) An application under this paragraph shall be made within five weeks of the time when the person in question becomes a controller of the holder of the certificate but the Board may, in any particular case, entertain an application made later if—

(a) they are satisfied that the failure to make it before the end of that period was due to inadvertence; and

(b) the application is made before the end of such extended period as the Board may in that case allow.

(4) The Board may on an application under this paragraph revoke the certificate to which the application relates if it appears to them that, if the holder were then applying for such a certificate under paragraph 4 of this Schedule, they would in accordance with sub-paragraphs (5) and (6) of that paragraph determine not to issue it; and the Board may also revoke a certificate if the holder fails to make an application in respect of it in accordance with this paragraph in a case in which this paragraph requires him to do so.

(5) Where a licence (other than a bingo club licence) is transferred to a body corporate and—

(a) a person has become a controller of that body corporate at any time between the issuing of a certificate consenting to the application for the transfer and the transfer of the licence; or

(b) a person becomes a controller of that body corporate at any subsequent time,

sub-paragraphs (1) to (4) above shall apply to that body corporate as they apply to the holder of the certificate by virtue of which the application for the licence was orginally made except that the period of five weeks mentioned in sub-paragraph (3) shall, in a case within paragraph (a) above, run from the date on which the licence was transferred.

(6) Where on an application under this paragraph the Board continue a certificate in force they shall serve on the applicant a notice stating that they have done so; and sub-paragraphs (4), (5) and (6) of paragraph 35 of this Schedule shall have effect

in relation to the revocation of a certificate by virtue of this paragraph as they have effect in relation to the revocation of a certificate by virtue of that paragraph.

(7) In this paragraph "controller", in relation to a body corporate, means a person who, either alone or with any associate or associates, is entitled to exercise, or control the exercise of, 15 per cent. or more of the voting power at any general meeting of the body corporate or of another body corporate of which it is a subsidiary.

(8) In sub-paragraph (7) above "associate", in relation to a person entitled to exercise or control the exercise of voting power in relation to a body corporate means—
- (a) the wife or husband or son or daughter of that person;
- (b) any company of which that person is a director;
- (c) any person who is an employee or partner of that person;
- (d) if that person is a company—
  - (i) any director of that company;
  - (ii) any subsidiary of that company; and
  - (iii) any director or employee of any subsidiary; and
- (e) if that person has with any other person an agreement or arrangement with respect to the acquisition, holding or disposal of shares or other interests in that body corporate or under which they undertake to act together in exercising their voting power in relation to it, that other person.

(9) In this paragraph "subsidiary" has the same meaning as in the [M26] Companies Act 1985.**]]**

Textual Amendments

F214 Sch. 2 para. 35A inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 5**

Marginal Citations

M26 1985 c. 6**(27).**

Cancellation of licence by licensing authority or court

36 (1) An application for the cancellation of a licence under this Act may be made by any person at any time to the **[**[F215]proper officer of**]** the licensing authority.

(2) Any such application shall be made in the prescribed form and manner and shall be accompanied by two copies of a statement of the grounds on which the application is made.

(3) On receipt of such an application, the **[**[F215]proper officer of**]** the licensing authority shall submit it to one member of the authority for consideration by him.

(4) If that member, after considering the application, is of the opinion that—
- (a) further consideration of the matters referred to in the statement accompanying the application is unnecessary or inexpedient before the time when the renewal of the licence falls to be considered, or
- (b) the licensing authority would be required by virtue of paragraph 41 of this Schedule to refuse the application,

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

he shall cause notice in writing to be given to the applicant that the application is refused, without prejudice to the raising of the same matters by way of objection to a renewal of the licence.

(5) In any other case, the member of the licensing authority to whom the application is submitted shall refer it to the licensing authority.

Textual Amendments

F215 Words in Sch. 2 para. 36(1)(3) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(9)(f)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

37 Where an application for the cancellation of a licence under this Act is referred to the licensing authority under the last preceding paragraph, and that application has not been withdrawn, the **[**[F216]proper officer of**]** the authority shall give to the applicant, to the holder of the licence, to the appropriate officer of police, to the Board and to the appropriate collector of duty not less than twenty-one days' notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the holder of the licence together with that notice a copy of the applicant's statement of the grounds on which the application is made.

Textual Amendments

F216 Words in Sch. 2 para. 37 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(9)(f)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

38 At any meeting of the licensing authority to consider such an application, the applicant and the holder of the licence shall be entitled to be heard either in person or by counsel or a solicitor; and, where the applicant is a person other than the appropriate officer of police, the licensing authority shall also hear any representations made by that officer or by any person authorised by him in that behalf.

39 A licensing authority may from time to time adjourn the consideration of any application for the cancellation of a licence under this Act.

40 On the consideration of any such application, a licensing authority may take evidence on oath and may make such order as they think fit for the payment of costs (or, in Scotland, expenses)—

(a) by the applicant to the holder of the licence, or

(b) by the holder of the licence to the applicant.

41 The licensing authority shall refuse any such application if they are satisfied that it is made on grounds which have been, or ought properly to have been, raised previously by way of objection either when the licence was granted or on an occasion when it has been renewed.

42 Subject to the last preceding paragraph, on any application for the cancellation of a licence under this Act which is referred to them, the licensing authority may cancel the licence on any of the grounds specified in paragraph 20 or paragraph 21 of this Schedule.

43 If on such an application the licensing authority decide not to cancel the licence, the authority shall cause notice in writing to be given to the applicant that the

application is refused, without prejudice to the raising of the same matters by way of objection to a renewal of the licence.

44 If on such an application the licensing authority decide to cancel the licence, the cancellation—

(a) shall not take effect until the time within which the holder of the licence can appeal against that decision has expired, and

(b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.

45 The provisions of paragraphs 29 and 30 of this Schedule (in England or Wales) or paragraph 33 of this Schedule (in Scotland) shall have effect in relation to the cancellation of a licence under this Act as they have effect in relation to a refusal to grant or renew such a licence, as if in those paragraphs—

(a) any reference to the applicant were a reference to the holder of the licence, and

(b) any reference to a person who opposed the application before the licensing authority were a reference to the person who made the application for the cancellation of the licence.

46 (1) Where a licensing authority in England or Wales refuse to cancel a licence under this Act, the Board may, by notice to the **[**[F217]proper officer**]** of the licensing authority, appeal against the decision of the licensing authority to **[**[F218]the Crown Court**]**.

(2) The provisions of paragraph 31(2) to (4) and paragraph 32 of this Schedule shall have effect in relation to any such appeal as they have effect in relation to an appeal by the Board against the grant or renewal of such licence, as if in those provisions—

(a) any reference to any person (other than the Board) who opposed the application before the licensing authority were omitted, and

(b) any reference to the applicant who applied for the grant or renewal were a reference to the holder of the licence.

Textual Amendments

F217 Words in Sch. 2 para. 46(1) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(10)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F218 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

47 (1) Where a licensing authority in Scotland refuse to cancel a licence under this Act, the Board may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision of the licensing authority to the sheriff having jurisdiction in the authority's area.

(2) Sub-paragraphs (2) and (3) of paragraph 33 of this Schedule shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under that paragraph.

48 (1) Where the holder of a licence under this Act in respect of any premises is convicted of an offence under Schedule 3 to the [M27]Finance Act 1966 in respect of a contravention of **[**[F219]section 13 of that Act or of an offence under **[**[F220]Section 15 or 24 of the Betting and Gaming Duties Act 1981 or paragraph 7 of Schedule 2 or paragraph 16 of Schedule 4 to that Act (or under the corresponding provisions of the Betting and Gaming Duties Act 1972 or the corresponding provisions of the enactments

consolidated by that Act) **[**[F221]or of an offence under paragraph 12 of Schedule 1 to the Finance Act 1997**]** and the Commissioners**]]** of Customs and Excise—

(a) certify to the court by or before which he is so convicted that the conviction is a second or subsequent conviction for such an offence committed (whether by the same or by some other person) in relation to gaming on those premises and while the same person has been the holder of a licence under this Act in respect of those premises, and

(b) apply to the court for effect to be given to this sub-paragraph,

that court shall order that the licence under this Act in respect of those premises shall be cancelled.

(2) An order made under this paragraph by a court in England or Wales—

(a) shall not have effect until the end of the period within which notice of appeal against the conviction which gave rise to the order may be given;

(b) if notice of appeal against that conviction is duly given, shall not have effect until the appeal has been determined or abandoned; and

(c) shall not have effect if, on such an appeal, the appeal is allowed.

(3) An order made under this paragraph by a court in Scotland—

(a) shall not have effect until the end of the period of fourteen days beginning with the date on which the order was made;

(b) if an appeal against the conviction which gave rise to the order is begun within that period, shall not have effect until the appeal has been determined or abandoned or deemed to have been abandoned, and

(c) shall not have effect if, on such an appeal, the appeal is allowed.

(4) Where a person is the holder of a licence under this Act, and the licence is cancelled by virtue of an order made under this paragraph, the **[**[F222]proper officer of**]** the court by which the order was made shall, unless he is also the **[**[F222]proper officer of**]** the licensing authority, send a copy of the order to the **[**[F222]proper officer of**]** the licensing authority; and (without prejudice to the renewal of any other licence under this Act held by the same person) the licensing authority shall, notwithstanding anything in the preceding provisions of this Schedule, refuse any application by that person for the grant of a licence under this Act in respect of the same or any other premises if it is made less than twelve months after the date of the order.

[[F223](5) In sub-paragraph (4) of this paragraph, "the proper officer of the court" means—

(a) in relation to a magistrates' court, the **[**[F224]designated officer**]** for the court, and

(b) in relation to any other court, the clerk of the court.**]**

Textual Amendments

F219 Words substituted by Betting and Gaming Duties Act 1972 (c. 25), s. 29(1), **Sch. 5 para. 3**

F220 Words substituted by Betting and Gaming Duties Act 1981 (c. 63, SIF 12:2), s. 34(1), **Sch. 5 para. 3**

F221 Words in Sch. 2 para. 48(1) inserted (19.3.1997) by 1997 c. 16, ss. 13(2), 15(2), **Sch. 2 Pt. II para. 5(3)**

F222 Words in Sch. 2 para. 48(4) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(11)(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F223 Sch. 2 para. 48(5) inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(11)(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F224 Words in Sch. 2 para. 48(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 132(4)**; S.I. 2005/910, art. 3(y)

Marginal Citations

M27 1966 c. 18.

Disqualification order on cancellation of licence

49 (1) Where under paragraph 42 of this Schedule a licensing authority cancels a licence under this Act, the authority may make a disqualification order under this paragraph prohibiting such a licence from being held in respect of the relevant premises during a period specified in the order.

(2) The period specified in a disqualification order under this paragraph shall not exceed five years from the date on which the order comes into force.

(3) Subject to the next following paragraph, where a disqualification order under this paragraph is made, any licence within the prohibition, if previously obtained, shall by virtue of the order be cancelled, or, if subsequently obtained, shall be null and void.

50 Where a licensing authority decides to cancel a licence under this Act, and makes a disqualification order under the last preceding paragraph in respect of the relevant premises, paragraph 44, and the provisions applied by paragraph 45, of this Schedule shall have effect in relation to the disqualification order as they have effect in relation to the cancellation of the licence.

Form and duration of licence

51 (1) A licence under this Act shall be in the prescribed form and shall—

(a) specify by name and description the club which was so specified in the application for the licence in accordance with paragraph 5(2) of this Schedule; and

(b) specify (in such manner as may be sufficient to identify it) the certificate of consent under this Schedule in pursuance of which that application was made.

(2) If any such licence as granted or renewed is subject to any restrictions imposed under paragraph 24 or paragraph 25 of this Schedule, the licence as granted or renewed shall include a statement of those restrictions.

52 (1) Subject to the following provisions of this Schedule, and without prejudice to the cancellation of any licence, whether in consequence of the revocation of a certificate of consent or by virtue of a disqualification order or otherwise, a licence under this Act—

(a) if not renewed, shall cease to be in force at **[**[F225]the end of the period of one year beginning with the date on which it was granted**]**, or

(b) if renewed, shall, unless further renewed, cease to be in force at **[**[F226]the end of the period of one year from the date on which it would otherwise have expired**]**.

(2) . . . . . [F227]

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

Textual Amendments

F225 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 11(2)**(*a*)

F226 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 11(2)**(*b*)

F227 Sch. 2 para. 52(2) repealed by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 11(3)**

53 (1) Where an application for the renewal of a licence under this Act has been duly made, the licence shall not cease to be in force by virtue of the last preceding paragraph before the licensing authority have determined the application.

(2) Where, on such an application, the licensing authority refuse to renew the licence, it shall not cease to be in force by virtue of the last preceding paragraph before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to be in force by virtue of that paragraph until the appeal has been determined or abandoned.

54 If the holder of a licence under this Act dies while the licence is in force—

(a) the licence shall not cease to be in force by virtue of paragraph 52 of this Schedule before the end of the period of six months beginning with the date of his death, and

(b) except for the purposes of a renewal of the licence, his personal representatives shall be deemed to be the holder of the licence;

and the licensing authority may from time to time, on the application of those personal representatives, extend or further extend the period for which the licence continues to be in force by virtue of this paragraph if satisfied that the extension is necessary for the purpose of winding up the estate of the deceased and that no other circumstances make it undesirable.

Certificate of consent for purposes of application for transfer of licence

55 (1) An application for the transfer of a licence under this Act from one person to another shall be of no effect unless the Board have issued to the applicant a certificate consenting to his applying for a transfer of the licence to that other person, and that certificate is for the time being in force and the application is made within the period specified in the certificate.

(2) In the following provisions of this Schedule any reference to an application for the transfer of a licence under this Act shall be construed as not including any application which by virtue of the preceding sub-paragraph is of no effect.

56 (1) The provisions of this paragraph shall have effect in relation to any application to the Board for such a certificate of consent as is mentioned in the last preceding paragraph.

(2) The Board shall not issue a certificate on any such application if it appears to the Board that the person to whom the licence is proposed to be transferred (in this and the next following paragraph referred to as "the proposed transferee")—

(a) not being a body corporate, is under twenty-one years of age, or

(b) not being a body corporate, is not resident in Great Britain or was not so resident throughout the period of six months immediately preceding the date on which the application was made, or

(c) being a body corporate, is not incorporated in Great Britain.

(3) Subject to sub-paragraph (2) of this paragraph, in determining whether to issue such a certificate of consent the Board shall have regard only to the question whether, in their opinion, the proposed transferee is likely to be capable of, and diligent in, securing that the provisions of this Act and of any regulations made under it will be complied with, that gaming on the premises specified in the licence will be fairly and properly conducted, and that the premises will be conducted without disorder or disturbance.

(4) For the purposes of sub-paragraph (3) of this paragraph the Board shall in particular take into consideration the character, reputation and financial standing—

(a) of the proposed transferee, and

(b) of any person (other than the proposed transferee) by whom, if the licence in question were transferred to the proposed transferee, the club specified in the licence would be **[**[F228]managed**]**, or for whose benefit, if that licence were so transferred, that club would be carried on,

but may also take into consideration any other circumstances appearing to them to be relevant in determining whether the proposed transferee is likely to be capable of, and diligent in, securing the matters mentioned in that sub-paragraph.

(5) If on an application made under the last preceding paragraph the Board issue to the applicant a certificate consenting to his applying for the transfer of the licence to the proposed transferee, the certificate shall specify a period within which an application to the licensing authority for the transfer of the licence can be made.

Textual Amendments

F228 Word substituted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 8**

57 (1) Where the Board have issued a certificate of consent in respect of the transfer of a licence under this Act, then, subject to the following provisions of this paragraph, the Board may revoke that certificate at any time before the licence has been transferred to the proposed transferee.

(2) The Board shall not revoke a certificate by virtue of this paragraph unless it appears to them either—

(a) that any information which, in or in connection with the application on which the certificate was issued, was given to the Board by or on behalf of the applicant for the certificate was false in a material particular, or

(b) that, since the certificate was issued, a licence under this Act held by the proposed transferee has been cancelled by virtue of a disqualification order made under section 24 of this Act or under this Schedule or in the exercise of the powers conferred on the licensing authority or the court by this Schedule.

(3) Where the Board determine to revoke a certificate by virtue of this paragraph they shall serve a notice on the holder of the certificate stating that the certificate is revoked; and the revocation shall take effect on the service of that notice.

(4) Where the Board serve a notice under sub-paragraph (3) of this paragraph they shall send a copy of the notice to the **[**[F229]proper officer of**]** the licensing authority, to the appropriate officer of police and to the appropriate collector of duty.

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

Textual Amendments

F229 Words in Sch. 2 para. 57(4) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(12)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

Transfer of licence

58 (1) An application for the transfer of a licence under this Act from one person to another may be made at any time, and shall be made to the **[**[F230]proper officer of**]** the licensing authority in such form and manner as may be prescribed and shall be accompanied by a copy of the certificate of consent issued by the Board for the purposes of that application.

(2) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application—

(a) to the Board;

(b) to the appropriate officer of police;

(c) to the appropriate local authority; and

(d) to the appropriate collector of duty.

Textual Amendments

F230 Words in Sch. 2 para. 58(1) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(12)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

59 **[**[F231]Paragraphs 6 and 7 of this Schedule**]** shall have effect in relation to any such application as they have effect in relation to an application for the grant of a licence under this Act . . . [F232].

Textual Amendments

F231 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 6(3)**(*a*)

F232 Words repealed by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 6(3)**(*b*)

60 On an application for the transfer of a licence under this Act the licensing authority shall not refuse to transfer the licence except on the grounds—

(a) that the person to whom the licence is proposed to be transferred is not a fit and proper person to be the holder of a licence under this Act;

(b) that, if the licence were transferred to that person, the club specified in the licence would be managed by, or carried on for the benefit of, a person (other than the proposed transferee) who would himself be refused the grant of a licence under this Act on the grounds that he is not a fit and proper person to be the holder of such a licence; or

(c) that any duty payable by the proposed transferee under section 13 . . . [F233] of the [M28]Finance Act 1966 **[**[F234]or section 2 of or Schedule 1 to the [M29]Finance Act 1970**]**[F235]or section 13 of or Schedule 2 to the [M30]Betting and Gaming Duties Act 1972 **[**[F236]or section 14 of or Schedule 2 to the Betting and Gaming Duties Act 1981**]]**[F237]or any bingo duty **[**[F238]or gaming duty**]** payable by him . . . [F239]**]** remains unpaid.

Textual Amendments

F233 Words repealed by Finance Act 1969 (c. 32), **Sch. 21 Pt. I**
F234 Words inserted by Finance Act 1970 (c. 24), **Sch. 1 Pt. II para. 16(2)**
F235 Words inserted by Betting and Gaming Duties Act 1972 (c. 25), s. 29(1), **Sch. 5 para. 5**
F236 Words inserted by Betting and Gaming Duties Act 1981 (c. 63, SIF 12:2), s. 34(1), **Sch. 5 para. 2**
F237 Words inserted by Finance Act 1969 (c. 32), **Sch. 9 para. 22(2)**
F238 Words in Sch. 2 para. 60(c) inserted (19.3.1997) by 1997 c. 16, ss. 13(2), 15, **Sch. 2 Pt. II para. 5(4)**
F239 Words repealed by Betting and Gaming Duties Act 1972 (c. 25), **Sch. 7**

Marginal Citations

M28 1966 c. 18.
M29 1970 c. 24.
M30 1972 c. 25.

61 Paragraphs 29 to 34 of this Schedule (with the omission of paragraphs 31(1)(*b*) and 34(1)(*b*)) shall have effect in relation to the transfer of licences under this Act as they have effect in relation to the grant or renewal of such licences.

Revocation of certificate after transfer of licence

62 In relation to a licence under this Act which has been transferred, and in relation to the certificate of consent in pursuance of which the application for the grant of such a licence was made, the provisions of paragraph 35 of this Schedule shall have effect as if, in sub-paragraphs (2), (3)(*a*) and (4) of that paragraph, any reference to the holder of the certificate were a reference to the person who is for the time being the holder of the licence.

Payment of fees

63 (1) Notwithstanding anything in the preceding provisions of this Schedule, no licence under this Act shall be granted, renewed or transferred except on payment by the applicant to the **[**[F240]proper officer of**]** the licensing authority of the fee chargeable in accordance with section 48 of this Act.

(2) The **[**[F240]proper officer of**]** a licensing authority in Scotland shall pay over all fees received by him under this paragraph to the local authority **[**[F241]who**]** defray the expenses of the licensing authority; . . . . [F242].

Textual Amendments

F240 Words in Sch. 2 para. 63(1)(2) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(13)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**
F241 Word substituted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 9**
F242 Words repealed by District Courts (Scotland) Act 1975 (c. 20), **Sch. 2**

[[F243]63A No application for a certificate of consent under this Schedule shall be treated as duly made until the appropriate fee has been paid to the Board.**]**

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

Textual Amendments

F243 Sch. 2 para. 63A inserted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para.4**; S. I.1991/59, **art. 2**

Notification of change in directors of body corporate holding licence

64 (1) Where the holder of a licence under this Act is a body corporate, then if at any time a change occurs—

(a) in the persons who are directors of that body corporate, or

(b) in the persons in accordance with whose directions or instructions the directors of that body corporate are accustomed to act,

the body corporate shall as soon as reasonably practicable after that time serve on the **[**[F244]proper officer of**]** the licensing authority, the appropriate officer of police and the Board, a notice giving particulars of the change.

(2) A body corporate which fails to comply with the preceding sub-paragraph shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding **[**[F245]level 3 on the standard scale**]**.

Textual Amendments

F244 Words in Sch. 2 para. 64(1) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(14)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F245 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G

***[**[F246] *Notification of change in shareholding in public company*

Textual Amendments

F246 Sch. 2 para. 64A inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 6**

[[F247]64A (1) Where the holder of a licence under this Act (other than a bingo club licence) is a public company, then, if at any time the company receives any notification under Part VI of the Companies Act 1985, the company shall send a copy of the notification to the Board as soon as reasonably practicable after that time.

(2) A company which fails to comply with sub-paragraph (1) of this paragraph shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) In this paragraph "public company" has the meaning given by section 1(3) of the said Act of 1985.**]]**

Textual Amendments

F247 Sch. 2 para. 64A inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 6**

Relinquishment of licence

65 (1) The holder of a licence under this Act may at any time relinquish the licence by notice to the **[**[F248]proper officer of**]** the licensing authority; and, where such a notice is given, the licence shall thereupon be treated as cancelled.

(2) Where the holder of a licence under this Act relinquishes the licence under this paragraph, the **[**[F248]proper officer of**]** the licensing authority shall give notice of that fact to—

(a) the Board;
(b) the appropriate officer of police;
(c) the appropriate local authority;
(d) the appropriate fire authority, if that authority is not the same body as the appropriate local authority; and
(e) the appropriate collector of duty.

Textual Amendments

F248 Words in Sch. 2 para. 65 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 58(14)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

SCHEDULE 3

Section 11(2).

REGISTRATION OF MEMBERS' CLUBS UNDER PART II IN ENGLAND AND WALES

Introductory

1 (1) Each licensing authority in England or Wales shall, in respect of premises within the area of the authority as mentioned in paragraph 1 of Schedule 2 to this Act, be the authority responsible for the registration of clubs and institutes under Part II of this Act and for the renewal and cancellation of any such registration.

(2) In this Schedule "institute" means a miners' welfare institute.

2 **[**[F249]Paragraphs 2 and 2A**]** of Schedule 2 to this Act shall have effect for the purposes of this Schedule as if in **[**[F249]those paragraphs**]** references to a licence under this Act, to premises in respect of which such a licence is for the time being in force, and to an application relating to such a licence, were references respectively to registration under Part II of this Act, to premises in respect of which a club or institute is for the time being registered under Part II of this Act, and to an application relating to such registration.

Textual Amendments

F249 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 1(2)**

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

Application for registration

3 [F250Paragraphs 5 to 7] of Schedule 2 to this Act shall have effect in relation to applications for registration under Part II of this Act as they have effect in relation to applications for licences under this Act, but as if—

(a) in paragraph 5(2) of that Schedule the words from "and shall be accompanied by a copy of the certificate" onwards, and in [F251paragraph 6(2)] of that Schedule the words from "shall indicate" to "other than a bingo club licence" and

[F252(aa) the reference in paragraph 5(3) to the Board, and]

(b) [F253paragraph 6(3)] of that Schedule, and

(c) any reference to the appropriate local authority or the appropriate [F254fire authority][F254fire and rescue authority],

were omitted, F255. . .

Textual Amendments

F250 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 6(4)(a)**

F251 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 6(4)(b)**

F252 Sch. 3 para. 3(aa) inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 10(1)**

F253 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 6(4)(c)**

F254 Words in Sch. 3 para. 3(c) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(4)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F255 Words repealed by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 6(4)(d)**

Application for renewal of registration

[F2564 Paragraphs 12 and 13 of Schedule 2 to this Act shall have effect in relation to any application for renewal of the registration of a club or institute under Part II of this Act as they have effect in relation to applications for the renewal of licences under this Act, but as if in paragraph 13(1) of that Schedule the references to [F257the Board,] the appropriate local authority and the appropriate [F258fire authority][F258fire and rescue authority] were omitted.]

Textual Amendments

F256 Sch. 3 para. 4 substituted for paragraphs 4 and 5 by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 10**

F257 Words inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 10(2)**

F258 Words in Sch. 3 para. 4 substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(4)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

Proceedings on application for registration or renewal of registration

6 Paragraphs 14 to 17 of Schedule 2 to this Act shall have effect in relation to any application for registration or renewal of registration of a club or institute under Part II of this Act as they have effect in relation to applications for the grant or renewal of

licences under this Act, but as if in paragraph 14(2) of that Schedule the references to the appropriate local authority and the appropriate **[**[F259]fire authority**][**[F259]fire and rescue authority**]** were omitted.

Textual Amendments

F259 Words in Sch. 3 para. 6 substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(4)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

Grounds for refusal to register or to renew registration

7 (1) The licensing authority shall refuse to register or to renew the registration of a club under Part II of this Act if it appears to the authority that the club—

(a) is not a bona fida members' club, or

(b) has less than twenty-five members, or

(c) is of a merely temporary character.

(2) Without prejudice to the preceding sub-paragraph, the licensing authority shall refuse to register a club or to renew the registration of a club under Part II of this Act if it appears to the authority that the principal purpose for which the club is established or conducted is gaming, unless the authority are satisfied that the gaming in question consists exclusively of playing bridge or whist, or both bridge and whist.

8 The licensing authority may refuse to register a club or institute under Part II of this Act where the club or institute has previously been so registered and either—

(a) its registration has been cancelled, or

(b) an application for renewal of that registration has been refused.

9 The licensing authority may refuse to renew the registration of a club or institute under Part II of this Act on any one or more of the following grounds, in addition to those specified in paragraph 7 of this Schedule, that is to say—

(a) that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of this Act or of any regulations made thereunder;

(b) that, while the club or institute has been registered under Part II of this Act, the relevant premises have not been so conducted as to prevent disturbance or disorder;

(c) that, while the club or institute has been so registered, gaming on the relevant premises has been dishonestly conducted;

(d) that, while the club or institute has been so registered, the relevant premises have been used for an unlawful purpose or as a resort of criminals or prostitutes;

(e) that any duty payable in respect of the premises under section 13 . . . [F260] of the [M31]Finance Act 1966 **[**[F261]or section 2 of or Schedule 1 to the [M32]Finance Act 1970**][**[F262]or section 13 of or Schedule 2 to the [M33]Betting and Gaming Duties Act 1972 **[**[F263]or section 14 of or Schedule 2 to the Betting and Gaming Duties Act 1981**]]** remains unpaid.

[[F264](f) that any bingo duty . . . [F265] payable in respect of bingo played on the premises remains unpaid;

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

and where the authority entertain an application for the renewal of registration and are satisfied that any bingo duty payable as mentioned in sub-paragraph (*f*) above remains unpaid, they shall refuse the application.**]**

Textual Amendments

F260 Words repealed by Finance Act 1969 (c. 32), **Sch. 21 Pt. I**
F261 Words inserted by Finance Act 1970 (c. 24), **Sch. 1 Pt. II para. 16(2)**
F262 Words inserted by Betting and Gaming Duties Act 1972 (c. 25), s. 29(1), **Sch. 5 para. 5**
F263 Words inserted by Betting and Gaming Duties Act 1981 (c. 63, SIF 12:2), s. 34(1), **Sch. 5 para. 2**
F264 Para. 9(*f*) added by Finance Act 1969 (c. 32), **Sch. 9 para. 23**
F265 Words repealed by Betting and Gaming Duties Act 1972 (c. 25), **Sch. 7**

Marginal Citations

M31 1966 c. 18.
M32 1970 c. 24.
M33 1972 c. 25.

10 The licensing authority shall refuse to renew the registration of a club under Part II of this Act if they are satisfied that, while the club has been registered thereunder, the relevant premises have been habitually used for an unlawful purpose or as a resort of criminals or prostitutes.

Restriction attached to registration

11 (1) On registering or renewing the registration of a club or institute under Part II of this Act, the licensing authority may, if they think fit, impose restrictions limiting the gaming to a particular part or parts of the relevant premises.

(2) Any restrictions imposed under the preceding sub-paragraph shall be imposed so as to have effect until the registration of the club or institute under Part II of this Act ceases to have effect or is next renewed (whichever first occurs), but without prejudice, where the registration is renewed, to any power of the licensing authority under the preceding sub-paragraph to impose the like or any other restrictions on renewing the registration.

Appeal by applicant

12 (1) Where on an application under this Schedule the licensing authority refuse to register or renew the registration of a club or institute under Part II of this Act, or impose restrictions under the last preceding paragraph, the **[**[F266]designated officer for**]** the licensing authority shall forthwith give notice of the decision of the authority to the applicant; and, within **[**[F267]twenty-one days**]** from the date of service of that notice, the applicant may, by notice to the **[**[F266]designated officer for**]** the authority, appeal against the decision to **[**[F268]the Crown Court**]**.

(2) Sub-paragraphs (2) to (5) of paragraph 29 of Schedule 2 to this Act, and paragraph 30 of that Schedule, shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under paragraph 29 of that Schedule.

Textual Amendments

F266 Words in Sch. 3 para. 12(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 133(2)(a)**; S.I. 2005/910, art. 3(y)

F267 Words substituted by virtue of S.I. 1982/1109, rules 6, 7, **Sch. 3 Pt. II**

F268 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

Appeal by Board

13 (1) Where on an application under this Schedule the licensing authority register, or renew the registration of, a club or institute under Part II of this Act after hearing any objection or representations made by or on behalf of the Board or any other person, and the Board desire to contend that the registration or renewal ought to have been refused, the Board may, by notice to the **[**[F269]designated officer for**]** the licensing authority, appeal against the decision of the licensing authority to **[**[F270]the Crown Court**]**.

(2) On determining any appeal under this paragraph, or on being satisfied that the Board, after giving notice of such an appeal, have failed to prosecute it, **[**[F270]the Crown Court**]** may make such order as it thinks fit for the payment of costs by or to—

(a) the applicant who applied for the registration or renewal;

(b) the Board;

(c) any person (other than the Board) who opposed the application before the licensing authority; or

(d) the licensing authority.

(3) Sub-paragraphs (4) and (5) of paragraph 29, sub-paragraphs (2) [F271]... of paragraph 30 and sub-paragraphs (2) and (3) of paragraph 31 of Schedule 2 to this Act shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under paragraph 31 of that Schedule.

Textual Amendments

F269 Words in Sch. 3 para. 13(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 133(2)(b)**; S.I. 2005/910, art. 3(y)

F270 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

F271 Words in Sch. 3 para. 13(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 3

Cancellation of registration

14 Paragraphs 36 to 44 of Schedule 2 to this Act shall have effect in relation to cancellation of the registration of a club or institute under Part II of this Act as they have effect in relation to cancellation of a licence under this Act, but as if—

(a) any reference to the holder of the licence were a reference to the chairman or secretary of the club or institute, and

(b) in paragraph 42 of that Schedule, the reference to the grounds specified in paragraphs 20 and 21 of that Schedule were a reference to the grounds specified in paragraph 9 of this Schedule.

15 (1) Where on an application made by virtue of paragraph 14 of this Schedule the licensing authority decide to cancel the registration of a club or institute under Part II of this Act, the **[**[F272]designated officer for**]** the licensing authority shall forthwith give notice of the decision of the authority to the chairman or secretary of the club or institute; and, within **[**[F273]twenty-one days**]** from the date of service of that notice, the chairman or secretary may, by notice to the **[**[F272]designated officer for**]** the licensing authority, appeal against the decision to **[**[F274]the Crown Court.**]**

(2) The provisions of paragraph 29(2) to (5) of Schedule 2 to this Act, and of paragraph 30 of that Schedule, shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under paragraph 29 of that Schedule, but as if in those provisions any reference to a person who opposed the application before the licensing authority were a reference to the person who made the application for the registration to be cancelled.

Textual Amendments

F272 Words in Sch. 3 para. 15(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 133(2)(c)**; S.I. 2005/910, art. 3(y)

F273 Words substituted by virtue of S.I. 1982/1109, rules 6, 7, **Sch. 3 Pt. II**

F274 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

16 (1) Where an application for cancellation of the registration of a club or institute under Part II of this Act is made by the Board, and the licensing authority refuse to cancel the registration, the Board may, by notice to the **[**[F275]designated officer for**]** the licensing authority, appeal against the decision of the licensing authority to **[**[F276]the Crown Court.**]**

(2) The provisions of paragraph 31(2) to (4) of Schedule 2 to this Act, and of paragraph 32 of that Schedule, shall have effect in relation to any such appeal as they have effect in relation to an appeal by the Board against the grant or renewal of a licence, but as if in those provisions—

(a) any reference to any person (other than the Board) who opposed the application before the licensing authority were omitted, and

(b) any reference to the applicant who applied for the grant or renewal were a reference to the chairman or secretary of the club or institute.

Textual Amendments

F275 Words in Sch. 3 para. 16(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 133(2)(d)**; S.I. 2005/910, art. 3(y)

F276 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

17 (1) Where a person is convicted of an offence under Schedule 3 to the [M34]Finance Act 1966 in respect of a contravention of **[**[F277]section 13 of that Act or of an offence under **[**[F278]section 24 of or paragraph 16 of Schedule 4 to the Betting and Gaming Duties Act 1981 (or under the corresponding provisions of the Betting and Gaming Duties Act 1972 or the corresponding provisions of the enactments consolidated by that Act) in relation to premises**]]** in respect of which a club or institute is for the time being registered under Part II of this Act, and the Commissioners of Customs and Excise—

(a) certify to the court by or before which he is so convicted that the conviction is a second or subsequent conviction for such an offence committed (whether by the same or by some other person) in relation to gaming on those premises while that club or institute has been so registered, and

(b) apply to the court for effect to be given to this sub-paragraph, that court shall order that the registration of the club or institute under Part II of this Act shall be cancelled.

(2) An order made under this paragraph—

(a) shall not have effect until the end of the period within which notice of appeal against the conviction which gave rise to the order may be given;

(b) if notice of appeal against that conviction is duly given, shall not have effect until the appeal has been determined or abandoned; and

(c) shall not have effect if, on such an appeal, the appeal is allowed.

(3) Where the registration of a club or institute is cancelled by virtue of an order made under this paragraph, the **[**[F279]proper officer of**]** the court by which the order was made shall, unless he is also the **[**[F280]designated officer for**]** the licensing authority, send a copy of the order to the **[**[F280]designated officer for**]** the licensing authority; and the licensing authority shall, notwithstanding anything in the preceding provisions of this Schedule, refuse any application for the registration of that club or institute under Part II of this Act in respect of the same or any other premises if it is made less than twelve months after the date of the order.

[[F281](4) In sub-paragraph (3) of this paragraph the "proper officer of the court" means—

(a) in relation to a magistrates' court, the **[**[F282]designated officer**]** for the court, and

(b) in relation to the Crown Court, the appropriate officer of the court.**]**

Textual Amendments

F277 Words substituted by Betting and Gaming Duties Act 1972 (c. 25), s. 29(1), **Sch. 5 para. 4**

F278 Words substituted by Betting and Gaming Duties Act 1981 (c. 63, SIF 12:2), s. 34(1), **Sch. 5 para. 4**

F279 Words in Sch. 3 para. 17(3) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 59(3)(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F280 Words in Sch. 3 para. 17(3) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 133(2)(e)**; S.I. 2005/910, art. 3(y)

F281 Sch. 3 para. 17(4) inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 59(3)(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F282 Words in Sch. 3 para. 17(4) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 133(3)**; S.I. 2005/910, art. 3(y)

Marginal Citations

M34 1966 c. 18.

Issue and duration of registration certificates

18 (1) Where on an application under this Schedule a club or institute is registered, or the registration of a club or institute is renewed, under Part II of this Act, the licensing authority shall issue to the applicant a certificate (in this Schedule referred to as a "registration certificate") which shall be in the prescribed form.

(2) If the registration or any renewal of the registration of a club or institute is subject to any restrictions imposed under paragraph 11 of this Schedule, the registration certificate shall include a statement of those restrictions.

19 (1) Subject to the following provisions of this Schedule, and without prejudice to the provisions of this Schedule as to cancellation the registration of a club or institute under Part II of this Act—

(a) if not renewed, shall cease to have effect at **[**[F283]the end of the period of one year beginning with the date on which it was effected**]**, or

(b) if renewed, shall, unless further renewed, cease to have effect at the end of the period for which it was renewed or last renewed, as the case may be.

(2) . . . . . [F284]

Textual Amendments

F283 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 12(2)**

F284 Sch. 3 para. 19(2) repealed by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 12(3)**

20 (1) An application for renewal of the registration of a club or institute under Part II of this Act may specify a number of years, not exceeding ten, for which the renewal is requested; and any renewal of the registration shall be for such number of years, not exceeding the number specified in the application, as the licensing authority think fit.

(2) Except as provided by the preceding sub-paragraph, any renewal of the registration shall be for a period of one year.

21 (1) Where the registration of a club or institute under Part II of this Act has been renewed for a period of two or more years, and is subject to any restriction imposed under paragraph 11 of this Schedule, then, with a view to the cancellation or variation of those restrictions, an application for renewal of the registration may be made in any of those years, notwithstanding that the registration is not due to expire in that year.

(2) On any application made by virtue of this paragraph the registration may be renewed **[**[F285]as if it were due to expire on the day before the anniversary of the date on which it was renewed or last renewed**]**.

Textual Amendments

F285 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 13**

22 (1) Where an application for renewal of the registration of a club or institute under Part II of this Act has been duly made, the registration shall not cease to have effect by virtue of paragraph 19 of this Schedule until the licensing authority have determined the application.

(2) Where, on such an application, the licensing authority refuse to renew the registration, it shall not cease to have effect by virtue of paragraph 19 of this Schedule before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to have effect by virtue of that paragraph until the appeal has been determined or abandoned.

Payment of fees

23 Notwithstanding anything in the preceding provisions of this Schedule, a club or institute shall not be registered under Part II of this Act, and the registration of a club or institute thereunder shall not be renewed, except on payment by the applicant to the **[**[F286]designated officer for**]** the licensing authority of the fee chargeable in accordance with section 48 of this Act.

Textual Amendments

F286 Words in Sch. 3 para. 23 substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 133(2)(f)**; S.I. 2005/910, art. 3(y)

Relinquishment of registration

24 (1) A club or institute registered under Part II of this Act may at any time relinquish its registration by notice given to the **[**[F287]designated officer for**]** the licensing authority by the chairman or secretary of the club or institute; and, where such a notice is given, the registration of the club or institute under Part II of this Act shall thereupon be treated as cancelled.

(2) Where the registration of a club or institute is relinquished under this paragraph, the **[**[F287]designated officer for**]** the licensing authority shall give notice of that fact to the Board, the appropriate officer of police and the appropriate collector of duty.

Textual Amendments

F287 Words in Sch. 3 para. 24(1)(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 133(2)(g)**; S.I. 2005/910, art. 3(y)

SCHEDULE 4

Section 11(2).

REGISTRATION OF MEMBERS' CLUBS UNDER PART II IN SCOTLAND

Introductory

1 (1) The sheriff shall, in respect of premises in Scotland within his jurisdiction, be the authority responsible for the registration of clubs and institutes under Part II of this Act and for the renewal and cancellation of any such registration.

(2) In this Schedule, "institute" means a miners' welfare institute.

2 (1) Any provision of Schedule 2 to this Act containing a reference to the licensing authority, the clerk to the licensing authority and a newspaper circulating in the authority's area shall, when applied by any provision of this Schedule, be construed respectively as a reference to the sheriff, the sheriff clerk and a newspaper circulating within the jurisdiction of the sheriff.

(2) In this Schedule—

"the appropriate chief constable" means the chief constable for the police area in which the relevant premises are situated;

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

"the appropriate collector of duty" means the Collector of Customs and Excise for the area in which the relevant premises are situated;

"the relevant premises", in relation to registration under Part II of this Act or to an application relating to such registration, means the premises in respect of which a club or institute is for the time being registered under that Part or the premises to which the application relates, as the case may be.

Application for registration

3 (1) An application for the registration of a club or institute in Scotland under Part II of this Act may be made at any time, and shall be made to the sheriff clerk in such form and manner as may be prescribed.

(2) Any such application shall specify the name, objects and address of the club or institute to which it relates and the premises in respect of which it is proposed that the club or institute should be registered, and shall contain such other particulars as may be prescribed.

(3) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application to . . . [F288] the appropriate chief constable and to the appropriate collector of duty.

Textual Amendments

F288 Words repealed by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 10(3)**

4 **[**[F289]Paragraph 6 of Schedule 2**]** to this Act shall have effect in relation to any such application as it has effect in relation to applications for the grant of licences under this Act but as if in sub-paragraph (2) the words from "shall indicate" to "other than a bingo club licence", and sub-paragraph (3), were omitted.

Textual Amendments

F289 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 6(5)**

5 (1) Not later than seven days after the publication of the newspaper containing the advertisement required by **[**[F290]paragraph 6 of Schedule 2**]** to this Act as it has effect by virtue of the last foregoing paragraph, the applicant shall send a copy of that newspaper to the sheriff clerk; and the sheriff shall not consider the application earlier than fourteen days after the date specified in the advertisement.

(2) On or after the date so specified, but not later than seven days before the date appointed for the consideration of the application the sheriff clerk shall send to the applicant a copy of any objection to the proposed registration which he has received and which has not been withdrawn.

Textual Amendments

F290 Words substituted by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 6(5)**

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

Application for renewal of registration

6 (1) Not later than six weeks before the date of expiry of the registration of a club or institute in Scotland under Part II of this Act, the sheriff clerk shall, unless an application for renewal of the registration has already been received by him, serve notice on the chairman or secretary of that club or institute that the registration will expire on that date unless an application for its renewal is made in accordance with this Schedule.

(2) At the same time as serving notice on the chairman or secretary of the club or institute under the foregoing sub-paragraph, the sheriff clerk shall cause to be published in a newspaper circulating within the jurisdiction of the sheriff an advertisement stating that the registration of the club will shortly expire and that any person who desires to object to its renewal should send to the sheriff clerk, before such date (not being earlier than fourteen days after the publication of the advertisement) as may be specified therein, two copies of a brief statement in writing of the grounds of his objection.

(3) A notice served under sub-paragraph (1) of this paragraph shall state that any application for renewal of the registration must be received by the sheriff clerk before such date (not being earlier than fourteen days after the service of the notice) as may be specified in the notice.

7 (1) Any application for renewal of the registration of a club or institute in Scotland under Part II of this Act shall be made to the sheriff clerk and (subject to sub-paragraph (3) of this paragraph) shall be made before the date specified as mentioned in paragraph 6(3) of this Schedule, and shall be made in such form and manner, and shall contain such particulars, as may be prescribed.

(2) Not less than seven days before the date appointed for the consideration of applications for renewal of registration of clubs and institutes in Scotland under Part II of this Act, the sheriff clerk—

(a) if he has received from any person an objection in writing to renewal of the registration of a particular club or institute, and that objection has not been withdrawn, and the address of that person is known to the clerk, shall send to that person a notice stating whether an application for renewal of the registration of that club or institute has been made or not, and

(b) shall send to the person by whom any application for renewal of the registration of a club or institute under Part II of this Act has been duly made to the sheriff a copy of any objection to the renewal which the clerk has received and which has not been withdrawn.

(3) The sheriff may in any particular case entertain an application for renewal of registration under Part II of this Act which is made after the date referred to in sub-paragraph (1) of this paragraph if—

(a) he is satisfied that the failure to make the application before that date was due to inadvertence; and

(b) the application is made before the end of such extended period as the sheriff may in that case allow.

Proceedings on application for registration or renewal of registration

8 Paragraphs 14 to 16 of Schedule 2 to this Act shall have effect in relation to any application for registration or renewal of registration of a club or institute in

Scotland under Part II of this Act as they have effect in relation to applications for the grant or renewal of licences under this Act, but as if in paragraph 14 of that Schedule—

(a) in sub-paragraph (1), for the words from "the beginning" to the end there were substituted the words "the day on which the sheriff considers the application.";

(b) in sub-paragraph (2), the references to the appropriate local authority and the appropriate **[**[F291]fire and rescue authority**]** were omitted.

Textual Amendments

F291 Words in Sch. 4 para. 8(b) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(5)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

Grounds for refusal to register or to renew registration

9 (1) The sheriff shall refuse to register or to renew the registration of a club in Scotland under Part II of this Act if it appears to the sheriff that the club—

(a) is not a bona fida members' club, or

(b) has less than twenty-five members, or

(c) is of a merely temporary character.

(2) Without prejudice to the preceding sub-paragraph, the sheriff shall refuse to register a club or to renew the registration of a club under Part II of this Act if it appears to the sheriff that the principal purpose for which the club is established or conducted is gaming, unless the sheriff is satisfied that the gaming in question consists exclusively of playing bridge or whist, or both bridge and whist.

10 The sheriff may refuse to register a club or institute under Part II of this Act where the club or institute has previously been so registered and either—

(a) its registration has been cancelled, or

(b) an application for renewal of that registration has been refused.

11 The sheriff may refuse to renew the registration of a club or institute under Part II of this Act on any one or more of the following grounds, in addition to those specified in paragraph 9 of this Schedule, that is to say—

(a) that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of this Act or of any regulations made thereunder;

(b) that, while the club or institute has been registered under Part II of this Act the relevant premises have not been so conducted as to prevent disturbance or disorder;

(c) that, while the club or institute has been so registered, gaming on the relevant premises has been dishonestly conducted;

(d) that, while the club or institute has been so registered, the relevant premises have been used for an unlawful purpose or as a resort of criminals or prostitutes;

(e) that any duty payable in respect of the premises under section 13 . . . [F292] of the [M35]Finance Act 1966 **[**[F293]or section 2 of or Schedule 1 to the [M36]Finance Act 1970**][**[F294]or section 13 of or Schedule 2 to the [M37]Betting and Gaming

Duties Act 1972 **[**[F295]or section 14 of or Schedule 2 to the Betting and Gaming Duties Act 1981**]]** remains unpaid.

[[F296](f) that any bingo duty . . . . [F297] payable in respect of bingo played on the premises remains unpaid;

and where the sheriff entertains an application for the renewal of registration and is satisfied that any bingo duty payable as mentioned in sub-paragraph (*f*) above remains unpaid, he shall refuse the application.**]**

Textual Amendments

F292 Words repealed by Finance Act 1969 (c. 32), **Sch. 21 Pt. I**
F293 Words inserted by Finance Act 1970 (c. 24), **Sch. 1 Pt. II para. 16(2)**
F294 Words inserted by Betting and Gaming Duties Act 1972 (c. 25), s. 29(1), **Sch. 5 para. 5**
F295 Words inserted by Betting and Gaming Duties Act 1981 (c. 63, SIF 12:2), s. 34(1), **Sch. 5 para. 2**
F296 Para. 11(*f*) added by Finance Act 1969 (c. 32), **Sch. 9 para. 24**
F297 Words repealed by Betting and Gaming Duties Act 1972 (c. 25), **Sch. 7**

Marginal Citations

M35 1966 c. 18.
M36 1970 c. 24.
M37 1972 c. 25.

12 The sheriff shall refuse to renew the registration of a club under Part II of this Act if he is satisfied that, while the club has been registered thereunder, the relevant premises have been habitually used for an unlawful purpose or as a resort of criminals or prostitutes.

Restrictions attached to registration

13 (1) On registering or renewing the registration of a club or institute under Part II of this Act, the sheriff may, if he thinks fit, impose restrictions limiting the gaming to a particular part or parts of the relevant premises.

(2) Any restrictions imposed under the preceding sub-paragraph shall be imposed so as to have effect until the registration of the club or institute under Part II of this Act ceases to have effect or is next renewed (whichever first occurs), but without prejudice, where the registration is renewed, to any power of the sheriff under the preceding sub-paragraph to impose the like or any other restrictions on renewing the registration.

Cancellation of registration

14 Paragraphs 36 to 38 and 41 to 43 of Schedule 2 to this Act shall have effect in relation to cancellation of the registration of a club or institute in Scotland under Part II of this Act as they have effect in relation to cancellation of a licence under this Act, but as if—

(a) any reference to the holder of the licence were a reference to the chairman or secretary of the club or institute;

(b) in paragraph 36 of that Schedule, sub-paragraphs (3), (4) and (5) were omitted;

(c) in paragraph 38, thereof, for the words from the beginning to "application" there were substituted the words "On the consideration of the application by the sheriff";

(d) in paragraph 42 thereof, the reference to the grounds specified in paragraphs 20 and 21 thereof were a reference to the grounds specified in paragraph 11 of this Schedule.

15 (1) Where a person is convicted of an offence under Schedule 3 to the [M38]Finance Act 1966 in respect of a contravention of **[**[F298]section 13 of that Act or of an offence under **[**[F299]section 24 of or paragraph 16 of Schedule 4 to the Betting and Gaming Duties Act 1981 (or under the corresponding provisions of the Betting and Gaming Duties Act 1972 or the corresponding provisions of the enactments consolidated by that Act) in relation to premises**]]** in respect of which a club or institute in Scotland is for the time being registered under Part II of this Act, and the Commissioners of Customs and Excise—

(a) certify to the court by or before which he is so convicted that the conviction is a second or subsequent conviction for such an offence committed (whether by the same or by some other person) in relation to gaming on those premises while that club or institute has been so registered, and

(b) apply to the court for effect to be given to this sub-paragraph,

that court shall order that the registration of the club or institute under Part II of this Act shall be cancelled.

(2) An order made under this paragraph—

(a) shall not have effect until the end of the period within which notice of appeal against the conviction which gave rise to the order may be given;

(b) if notice of appeal against that conviction is duly given, shall not have effect until the appeal has been determined or abandoned; and

(c) shall not have effect if, on such an appeal, the appeal is allowed.

(3) Where the registration of a club or institute is cancelled by virtue of an order made under this paragraph, the sheriff shall, notwithstanding anything in the preceding provisions of this Schedule, refuse any application for the registration of that club or institute under Part II of this Act in respect of the same or any other premises if it is made less than twelve months after the date of the order.

Textual Amendments

F298 Words substituted by Betting and Gaming Duties Act 1972 (c. 25), s. 29(1), **Sch. 5 para. 3**

F299 Words substituted by Betting and Gaming Duties Act 1981 (c. 63, SIF 12:2), s. 34(1), **Sch. 5 para. 4**

Marginal Citations

M38 1966 c. 18.

Issue and duration of registration certificates

16 (1) Where on an application under this Schedule a club or institute is registered, or the registration of a club or institute is renewed, under Part II of this Act, the sheriff shall issue to the applicant a certificate (in this Schedule referred to as a "registration certificate") which shall be in the prescribed form.

(2) If the registration or any renewal of the registration of a club or institute is subject to any restrictions imposed under paragraph 13 of this Schedule, the registration certificate shall include a statement of those restrictions.

17 (1) Subject to the following provisions of this Schedule, and without prejudice to the provisions of this Schedule as to cancellation, the registration of a club or institute in Scotland under Part II of this Act—

(a) if not renewed, shall cease to have effect at the end of the month of December in the year following that in which it was effected, or

(b) if renewed, shall, unless further renewed, cease to have effect at the end of the period for which it was renewed or last renewed, as the case may be.

(2) F300

Textual Amendments

F300 Sch. 4 para. 17(2) repealed by Gaming (Amendment) Act 1982 (c. 22, SIF 12:1), s. 1, **Sch. 1 para. 14**

18 (1) An application for renewal of the registration of a club or institute in Scotland under Part II of this Act may specify a number of years, not exceeding ten, for which the renewal is requested; and any renewal of the registration shall be for such number of years, not exceeding the number specified in the application, as the sheriff thinks fit.

(2) Except as provided by the preceding sub-paragraph, any renewal of the registration shall be for a period of one year.

19 (1) Where the registration of a club or institute in Scotland under Part II of this Act has been renewed for a period of two or more years, and is subject to any restriction imposed under paragraph 13 of this Schedule, then, with a view to the cancellation or variation of those restrictions, an application for renewal of the registration may be made in any of those years, notwithstanding that the registration is not due to expire in that year.

(2) On any application made by virtue of this paragraph the registration may be renewed as if it were due to expire at the end of the month of December in that year.

20 Where an application for renewal of the registration of a club or institute in Scotland under Part II of this Act has been duly made, the registration shall not cease to have effect by virtue of paragraph 17 of this Schedule until the sheriff has determined the application.

No appeal against determination of sheriff

21 The determination of the sheriff on an application under this Schedule for registration or renewal or cancellation of registration of a club or institute under Part II of this Act shall be final, and in his determination the sheriff may include such order as to the expenses of the application as he thinks proper.

Payment of fees

22 Notwithstanding anything in the preceding provisions of this Schedule, a club or institute in Scotland shall not be registered under Part II of this Act, and the registration of a club or institute thereunder shall not be renewed, except on payment

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

by the applicant to the sheriff clerk of the fee chargeable in accordance with section 48 of this Act.

Relinquishment of registration

23 (1) A club or institute registered under Part II of this Act may at any time relinquish its registration by notice given to the sheriff clerk by the chairman or secretary of the club or institute; and, where such a notice is given, the registration of the club or institute under Part II of this Act shall thereupon be treated as cancelled.

(2) Where the registration of a club or institute is relinquished under this paragraph, the sheriff clerk shall give notice of that fact to the Board, the appropriate chief constable and the appropriate collector of duty.

SCHEDULE 5

Section 19.

PROCEDURE FOR APPROVAL BY BOARD

PART I

ISSUE AND REVOCATION OF CERTIFICATES OF APPROVAL

Issue of certificate

1 Any person may apply to the Board for the issue in respect of him of a certificate under section 19 of this Act, certifying that, in relation to premises specified in the certificate, he has been approved by the Board under that section—

(a) in respect of the performance on those premises of a function to which subsection (1) of that section applies which is specified in the certificate, or

(b) for acting in relation to those premises in a capacity such as is mentioned in subsection (3) of that section which is so specified.

2 Any such application shall specify the premises, and the function to which subsection (1) of section 19 applies, or (as the case may be) the capacity such as is mentioned in subsection (3) of that section, in respect of which the certificate is required.

3 In determining whether to issue a certificate on any such application, the Board shall have regard only to the question whether, in relation to the premises specified in the application, the applicant is a fit and proper person to perform the function or act in the capacity so specified.

4 Where on an application under this Schedule it appears to the Board that the applicant requires their approval in respect of performing the function in question on, or acting in the capacity in question in relation to, all or any of a number of premises specified in the application, and the Board determine to give that approval, the Board may, if they think fit, issue to him a single certificate specifying all those premises.

5 Where the Board issue a certificate under that section, it shall continue in force until it is revoked by the Board and that revocation takes effect in accordance with the following provisions of this Schedule.

Revocation of certificate

6 The Board may at any time revoke any such certificate if it appears to the Board that, in relation to the premises specified in the certificate, the person to whom the certificate relates is not a fit and proper person to perform the function or act in the capacity so specified.

7 Where the Board determine to revoke any such certificate, they shall serve a notice on the person to whom it relates stating that the certificate is revoked as from the end of the period of twenty-one days from the date of service of the notice; and the revocation shall take effect at the end of that period.

Payment of fees

8 Notwithstanding anything in the preceding provisions of this Schedule, the Board shall not issue a certificate of approval under section 19 of this Act except on payment by the applicant to the Board of the fee chargeable in accordance with section 48 of this Act.

PART II

PENDING APPLICATIONS

9 Where a person applies to the Board for a certificate under section 19 of this Act, and either—

(a) at the time of that application a certificate issued by the Board in respect of him (whether in relation to the same premises or not) is in force, or

(b) the certificate is required by reason that a notice has been served on him under subsection (3) of that section and the application is made before the end of the period specified in that notice,

the application shall, until it is determined by the Board, have the same effect for the purposes of that section as if it were a certificate issued by the Board, and for the time being in force, certifying that, in relation to the premises specified in the application, he has been approved by the Board in respect of the performance of the function, or for acting in the capacity, specified in the application.

SCHEDULE 6

Section 27.

CERTIFICATES AND PERMITS UNDER SECTION 27

Issue and renewal of certificates

1 (1) A certificate may be issued in accordance with the following provisions of this Schedule for the purposes of subsection (1) of section 27 of this Act only, or for the purposes of subsection (5) of that section only, or for the purposes of both those subsections.

(2) In this Schedule "the relevant functions"—

(a) in relation to an application for the issue or renewal of a certificate for the purposes of subsection (1) of that section only, or to a certificate issued for

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

those purposes, means selling or supplying machines to which Part III of this Act applies;

(b) in relation to an application for the issue or renewal of a certificate for the purposes of subsection (5) of that section only, or to a certificate issued for those purposes, means maintaining the mechanism of such machines; and

(c) in relation to an application for the issue or renewal of a certificate for the purposes of both those subsections, or to a certificate issued for those purposes, means selling or supplying such machines and maintaining their mechanism.

2 In determining whether to issue or renew any such certificate, the Board shall have regard only to the question whether the person applying for it is a fit and proper person to perform the relevant functions.

3 Subject to the following provisions of this Schedule, any such certificate issued by the Board—

(a) if not renewed, shall cease to have effect at the end of the period of five years beginning with the date on which it was issued, or

(b) if renewed, shall, unless further renewed, cease to have effect at the end of the period of five years beginning with the date as from which it was renewed or last renewed, as the case may be.

Revocation of certificate

4 The Board may at any time revoke any such certificate if it appears to the Board that the person to whom it relates is not a fit and proper person to perform the relevant functions.

5 Where the Board determine to revoke any such certificate, they shall serve a notice on the person to whom it relates stating that the certificate is revoked as from the end of the period of twenty-one days from the date of service of the notice; and the revocation shall take effect at the end of that period.

Payment of fees

6 Notwithstanding anything in the preceding provisions of this Schedule, the Board shall not issue or renew any such certificate except on payment by the applicant to the Board of the fee chargeable in accordance with section 48 of this Act.

Grant of permits

7 Any application for the grant of a permit for the purposes of subsection (1) or subsection (5) of section 27 of this Act shall specify the machine in respect of which, and the circumstances in which, the permit is required.

8 Any such permit granted by the Board shall specify the machine to which it relates and the period for which the permit is granted; and the permit shall cease to have effect at the end of that period.

Supplementary provisions

9 (1) In determining, for the purposes of this Schedule, whether a person is a fit and proper person to perform the relevant functions, where he carries on a business which consists of or includes those functions, regard shall be had in particular to the way

in which the business is conducted by him and by any persons employed by him or acting on his behalf in connection with the business.

(2) Without prejudice to the preceding sub-paragraph, for the purposes of this Schedule a person shall not be taken to be a fit and proper person to perform the relevant functions if those functions are, or if the certificate in question were issued or renewed would be, performed by him as servant or agent of, or otherwise for the benefit of, a person who would himself be refused a certificate as not being a fit and proper person to perform those functions.

SCHEDULE 7

Section 30.

REGISTRATION UNDER PART III IN ENGLAND AND WALES

Introductory

1 Each licensing authority in England or Wales shall, in respect of premises within the area of the authority as mentioned in paragraph 1 of Schedule 2 to this Act, be the authority responsible for the registration of clubs and institutes under Part III of this Act and for the renewal and cancellation of any such registration.

2 (1) Paragraph 2 of Schedule 2 to this Act shall have effect for the purposes of this Schedule as if in that paragraph references to a licence under this Act, to premises in respect of which such a licence is for the time being in force, and to an application relating to such a licence, were references respectively to registration under Part III of this Act, to premises in respect of which a club or institute is for the time being registered under Part III of this Act, and to an application relating to such registration.

(2) In this Schedule "institute" means a miners' welfare institute.

Application for registration

3 (1) An application for the registration of a club or institute under Part III of this Act may be made at any time, and shall be made to the **[**[F301]designated officer for**]** the licensing authority in such form and manner as may be prescribed.

(2) Any such application shall specify the name, objects and address of the club or institute to which it relates and the premises in respect of which it is proposed that the club or institute should be registered, and shall contain such other particulars as may be prescribed.

(3) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application to the appropriate officer of police.

Textual Amendments

F301 Words in Sch. 7 para. 3(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 134(a)**; S.I. 2005/910, art. 3(y)

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

Application for renewal of registration

4 (1) An application for renewal of the registration of a club or institute under Part III of this Act shall be made not earlier than three months and not later than six weeks before the date on which the registration is due to expire, and shall be made to the **[**[F302]designated officer for**]** the licensing authority in such form and manner as may be prescribed.

(2) The licensing authority may in any particular case entertain an application for renewal of registration under Part III of this Act made after the latest date on which the application could be made in accordance with sub-paragraph (1) of this paragraph if—

(a) they are satisfied that the failure to make the application before that date was due to inadvertence, and

(b) the application is made before the end of such extended period as the licensing authority may in that case allow.

(3) Not later than seven days after the date on which any such application is made, the applicant shall send a copy of the application to the appropriate officer of police.

Textual Amendments

F302 Words in Sch. 7 para. 4(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 134(a)**; S.I. 2005/910, art. 3(y)

Proceedings on application for registration or renewal of registration

5 (1) On any application for the registration, or for renewal of the registration, of a club or institute under Part III of this Act, the licensing authority may register or renew the registration of the club or institute without hearing the applicant if no objection to the registration or renewal of registration has been made by or on behalf of the appropriate officer of police, or if any objection so made has been withdrawn.

(2) Except as provided by the preceding sub-paragraph, on any such application the applicant and the appropriate officer of police shall be entitled to be heard either in person or by counsel or a solicitor.

6 (1) A licensing authority may from time to time adjourn the consideration of any application for the registration or for renewal of the registration of a club or institute under Part III of this Act.

(2) On the consideration of any such application, a licensing authority may take evidence on oath, and, if the appropriate officer of police has made an objection which has not been withdrawn, may make such order as they think fit for the payment of costs—

(a) by the applicant to that officer, or

(b) by that officer to the applicant.

Grounds for refusal to register or to renew registration

7 The licensing authority shall refuse to register, or to renew the registration of, a club or institute under Part III of this Act if it appears to them that the relevant premises are premises which (for whatever purposes) are frequented wholly or mainly by persons under eighteen.

8 The licensing authority may refuse to register or to renew the registration of a club under Part III of this Act if it appears to the authority that the club—

(a) is not a bona fide members' club, or

(b) has less than twenty-five members, or

(c) is of a merely temporary character.

9 The licensing authority may refuse to renew the registration of a club or institute under Part III of this Act on the grounds that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of Parts I to III of this Act or of any regulations made thereunder.

10 The licensing authority may refuse to register a club or institute under Part III of this Act where the club or institute has previously been so registered and either—

(a) its registration has been cancelled, or

(b) an application for renewal of that registration has been refused.

Appeal by applicant

11 (1) Where on an application under this Schedule the licensing authority refuse to register or renew the registration of a club or institute under Part III of this Act, the **[**[F303]designated officer for**]** the licensing authority shall forthwith give notice of the decision of the authority to the applicant; and, within **[**[F304]twenty-one days**]** from the date of service of that notice, the applicant may, by notice to the **[**[F303]designated officer for**]** the authority, appeal against the decision to **[**[F305]the Crown Court**]**.

(2) As soon as practicable after receiving notice of appeal against such a decision of the licensing authority, the **[**[F306]designated officer for**]** the authority shall send the notice to **[**[F307]the appropriate officer of the Crown Court**]** together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant.

(3) On receipt of the notice of appeal, **[**[F307]the appropriate officer of the Crown Court**]** shall enter the appeal and give in writing to the appellant, to the appropriate officer of police and to the licensing authority not less than seven days' notice of the date, time and place appointed for the hearing of the appeal.

(4) **[**[F305]The Crown Court**]** may by its order allow or dismiss the appeal and may deal with the application as if it had been made to **[**[F305]the Crown Court**]** in the first instance; and the judgment of **[**[F305]the Crown Court**]** on the appeal shall be final.

(5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.

Textual Amendments

F303 Words in Sch. 7 para. 11(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 134(b)**; S.I. 2005/910, art. 3(y)

F304 Words substituted by virtue of S.I. 1982/1109, rules 6, 7, **Sch. 3 Pt. II**

F305 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

F306 Words in Sch. 7 para. 11(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 134(c)**; S.I. 2005/910, art. 3(y)

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

F307 Words substituted by Courts Act 1971 (c. 23), **Sch. 8 para. 2**

12 Paragraph 30 of Schedule 2 to this Act shall have effect in relation to appeals under the last preceding paragraph as it has effect in relation to appeals under paragraph 29 of that Schedule.

Cancellation of registration

13 (1) Subject to the following provisions of this paragraph, an application for cancellation of the registration of a club or institute under Part III of this Act may be made at any time by the appropriate officer of police to the **[**[F308]designated officer for**]** the licensing authority.

(2) Any such application shall be made in the prescribed form and manner and shall be accompanied by two copies of a statement of the grounds on which the application is made.

Textual Amendments

F308 Words in Sch. 7 para. 13(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 134(d)**; S.I. 2005/910, art. 3(y)

14 Where such an application has been made and not withdrawn, the **[**[F309]designated officer for**]** the licensing authority shall give to the appropriate officer of police and to the chairman or secretary of the club or institute not less than twenty-one days' notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the chairman or secretary of the club or institute together with that notice a copy of a statement by the appropriate officer of police of the grounds on which the application is made.

Textual Amendments

F309 Words in Sch. 7 para. 14 substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 134(d)**; S.I. 2005/910, art. 3(y)

15 At any meeting of the licensing authority to consider such an application, the appropriate officer of police and the chairman or secretary of the club or institute shall be entitled to be heard either in person or by counsel or a solicitor.

16 A licensing authority may from time to time adjourn the consideration of any application for cancellation of the registration of a club or institute under Part III of this Act.

17 On the consideration of any such application, a licensing authority may take evidence on oath and may make such order as they think fit for the payment of costs—

(a) by the appropriate officer of police to the chairman or secretary of the club or institute, or

(b) by the chairman or secretary of the club or institute to the appropriate officer of police.

18 On any such application the licensing authority may cancel the registration of the club or institute under Part III of this Act if they are satisfied—

(a) that the relevant premises are frequented wholly or mainly by persons under eighteen, or

(b) that, in the case of a club, the club is not a bona fide members' club, or has less than twenty-five members, or is of a merely temporary character, or

(c) that a person has been convicted as mentioned in paragraph 9 of this Schedule,

and (in any such case) that in the circumstances the registration ought to be cancelled.

19 If on the consideration of any such application the licensing authority decide to cancel the registration, the cancellation—

(a) shall not take effect until the time within which the chairman or secretary of the club or institute can appeal against that decision has expired, and

(b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.

20 (1) Where on any such application the licensing authority decide to cancel the registration, the **[**[F310]designated officer for**]** the licensing authority shall forthwith give notice of the decision to the chairman or secretary of the club or institute; and, within **[**[F311]twenty-one days**]** from the date of service of that notice, the chairman or secretary may, by notice to the **[**[F310]designated officer for**]** the licensing authority, appeal against the decision to **[**[F312]the Crown Court.**]**

(2) Sub-paragraphs (2) to (5) of paragraph 11 of this Schedule, and the provisions applied by paragraph 12 of this Schedule, shall have effect in relation to cancellation of the registration of a club or institute under Part III of this Act as they have effect in relation to refusal to register a club or institute.

Textual Amendments

F310 Words in Sch. 7 para. 20(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 134(e)**; S.I. 2005/910, art. 3(y)

F311 Words substituted by virtue of S.I. 1982/1109, rules 6, 7, **Sch. 3 Pt. II**

F312 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

Issue and duration of registration certificate

21 Where on an application under this Schedule a club or institute is registered, or the registration of a club or institute is renewed, under Part III of this Act, the licensing authority shall issue to the applicant a certificate to that effect, which shall be in the prescribed form.

22 Subject to the following provisions of this Schedule, and without prejudice to the provisions of this Schedule as to cancellation, the registration of a club or institute under Part III of this Act—

(a) if not renewed, shall cease to have effect at the end of the period of five years beginning with the date of registration, or

(b) if renewed, shall, unless further renewed, cease to have effect at the end of the period of five years beginning with the date on which it was renewed or last renewed, as the case may be.

23 (1) Where an application for renewal of the registration of a club or institute under Part III of this Act has been duly made, the registration shall not cease to have effect by virtue of the last preceding paragraph until the licensing authority have determined the application.

(2) Where, on such an application, the licensing authority refuse to renew the registration, it shall not cease to have effect by virtue of the last preceding paragraph before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to have effect by virtue of that paragraph until the appeal has been determined or abandoned.

Payment of fees

24 Notwithstanding anything in the preceding provisions of this Schedule, a club or institute shall not be registered under Part III of this Act, and the registration of a club or institute thereunder shall not be renewed, except on payment by the applicant to the **[**[F313]designated officer for**]** the licensing authority of the fee chargeable in accordance with section 48 of this Act.

Textual Amendments

F313 Words in Sch. 7 para. 24 substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 134(f)**; S.I. 2005/910, art. 3(y)

Relinquishment of registration

25 (1) A club or institute registered under Part III of this Act may at any time relinquish its registration by notice given to the **[**[F314]designated officer for**]** the licensing authority by the chairman or secretary of the club or institute; and, where such a notice is given, the registration of the club or institute under Part III of this Act shall thereupon be treated as cancelled.

(2) Where the registration of a club or institute is relinquished under this paragraph, the **[**[F314]designated officer for**]** the licensing authority shall give notice of that fact to the appropriate officer of police.

Textual Amendments

F314 Words in Sch. 7 para. 25(1)(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 134(f)**; S.I. 2005/910, art. 3(y)

SCHEDULE 8

Section 30.

REGISTRATION UNDER PART III IN SCOTLAND

1 The sheriff shall, in respect of premises in Scotland within his jurisdiction, be the authority responsible for the registration of clubs and institutes under Part III of this Act and for the renewal and cancellation of any such registration.

2 (1) Any provision of Schedule 7 to this Act containing a reference to the licensing authority, the clerk to the licensing authority and the appropriate officer of police shall, when applied by any provision of this Schedule, be construed respectively as a reference to the sheriff, the sheriff clerk and the chief constable for the police area in which the relevant premises are situated.

(2) In this Schedule—

"institute" means a miners' welfare institute;

"the relevant premises", in relation to registration under Part III of this Act or to an application relating to such registration, means the premises in respect of which a club or institute is for the time being registered under that Part or the premises to which the application relates, as the case may be.

3 Subject to the foregoing provisions of this Schedule, paragraphs 3 to 5, 7 to 10, 13 to 15, 18, 21, 22, 23(1), 24 and 25 of Schedule 7 to this Act shall apply to Scotland as they apply to England or Wales, but as if, in paragraph 15, for the words from the beginning to "application" there were substituted the words "On the consideration of the application by the sheriff".

4 The determination of the sheriff on an application under this Schedule for registration or renewal or cancellation of registration of a club or institute under Part III of this Act shall be final, and in his determination the sheriff may include such order as to the expenses of the application as he thinks proper.

SCHEDULE 9

Section 34.

PERMITS UNDER SECTION 34

Modifications etc. (not altering text)

C66 Sch. 9: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B(9)

Authority responsible for grant and renewal of permits

1 In this Schedule "the appropriate authority"—

(a) in relation to any premises in England or Wales in respect of which a justices' on-licence (other than a Part IV licence) is for the time being in force, . . . [F315], means the licensing justices for the licensing district in which the premises are situated;

(b) in relation to any other premises in England or Wales, means the council of the . . . . [F316], London borough or county district in which the premises are situated, or, where the premises are in the City of London, means the Common Council of the City;

[[F317](c) in relation to any premises in Scotland in respect of which a public house licence or a hotel licence is for the time being in force, means the licensing board for the area in which the premises are situated;**]**

(d) in relation to any other premises in Scotland, **[**[F318]means the council**][**[F319]constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area**]** the premises are situated,

and "permit" means a permit under section 34 of this Act.

Textual Amendments

F315 Words repealed by S.I. 1979/977, **Sch.**

F316 Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**

F317 Para. 1(*c*) substituted by Licensing (Scotland) Act 1976 (c. 66), **s. 133(3)**

F318 Words substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 24 Pt. II para. 32**

F319 Words in Sch. 9 para. 1(d) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), **Sch. 13 para. 78(4)**; S.I. 1996/323, **art. 4**

2 . . . . . **F320**

Textual Amendments

F320 Sch. 9 para. 2 repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 24 Pt. II para. 32, **Sch. 29**

Resolution by local authority as to grant or renewal of permits

3 Any such council as is mentioned in sub-paragraph (*b*) or sub-paragraph (*d*) of paragraph 1 of this Schedule (in this Schedule referred to as a "local authority") may pass any of the following resolutions, that is to say—

(a) that (subject to paragraph 4 of this Schedule) the authority will not grant any permits in respect of premises of a class specified in the resolution;

(b) that (subject to paragraph 4 of this Schedule) the authority will neither grant nor renew any permit in respect of premises of a class specified in the resolution;

(c) that (subject to paragraph 4 of this Schedule) where the authority grant or renew a permit in respect of any premises, or in respect of premises of a class specified in the resolution, they will grant or renew it subject to a condition limiting the number of machines to which Part III of this Act applies which may be made available for gaming on the premises so as not to exceed such number as may be specified in the resolution.

4 (1) No resolution under paragraph 3 of this Schedule shall have effect in relation to the grant or renewal of permits in respect of premises to which this paragraph applies.

(2) This paragraph applies to any premises used or to be used wholly or mainly for the provision of amusements by means of machines to which Part III of this Act applies.

Application for grant or renewal of permit

5 (1) An application for the grant of a permit in respect of any premises may be made as follows, that is to say—

(a) by the holder of the licence or certificate, . . . **F321**, in the case of any such premises as are mentioned in sub-paragraph (*a*) or sub-paragraph (*c*) of paragraph 1 of this Schedule, and

(b) in any other case, by the person who is, or by any person who proposes if the permit is granted to become, the occupier of the premises.

[F322(1A) Where an application for the grant of a permit in respect of premises to which paragraph 4 of this Schedule applies is made to a local authority, the application shall be either—

(a) for the grant of a permit for the purposes of subsection (1) of section 34 of this Act, or

(b) for the grant of a permit for the purposes of subsection (5E) of that section.]

(2) The holder of a permit may apply from time to time for the renewal of the permit.

Textual Amendments

F321 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**

F322 SCh. 9 para. 5(1A) inserted (20.6.1996) by S.I. 1996/1359, **art. 9(2)**

6 The appropriate authority shall not refuse to grant or renew a permit without affording to the applicant or a person acting for him an opportunity of appearing before, and being heard by, the appropriate authority or (where that authority is a local authority) a committee of the local authority.

Grounds for refusal to grant or renew permit

7 Where an application for the grant or renewal of a permit is made to a local authority, then if—

(a) there is for the time being in force a resolution passed by that authority as mentioned in sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph 3 of this Schedule which is applicable to the premises to which the application relates, and

(b) the permit could not be granted or renewed without contravening that resolution,

it shall be the duty of the authority to refuse to grant or renew the permit.

8 (1) In the case of premises to which paragraph 4 of this Schedule applies—

(a) the grant of a permit shall be at the discretion of the appropriate authority; but

(b) the appropriate authority shall not refuse to renew a permit except

[F323F324(i)] on the grounds that [F325, while the permit has been in force,] they or their authorised representatives have been refused reasonable facilities to inspect the premises

[F323(ii) where the permit is expressed to be granted for the purposes of section 34(5E) of this Act, on the grounds that the condition specified in paragraph (a) of sub-paragraph (3) of paragraph 10B of this Schedule or, as the case may be, any of the conditions specified in paragraph (b) of that sub-paragraph has not been complied with to their satisfaction,]

or [F326(iii)] by reason of the conditions or manner in which machines to which Part III of this Act applies have been used on the premises, or any other amusements have been provided or conducted on the premises, while the permit has been in force.

[F327(1A) Where an application for the grant of a permit for the purposes of subsection (5E) of section 34 is made in respect of premises in respect of which the applicant holds a permit under that section which is expressed to be granted for the purposes of

subsection (1) of that section, the appropriate authority may only refuse to grant the permit if they would have grounds for refusing an application to renew the existing permit.

(1B) Where an application for the grant of a permit for the purposes of subsection (1) of section 34 is made in respect of premises in respect of which the applicant holds a permit under that section which is expressed to be granted for the purposes of subsection (5E) of that section, the appropriate authority may only refuse to grant the permit if they would have grounds for refusing an application to renew the existing permit were it expressed to be granted for the purposes of subsection (1) of that section.**]**

(2) In the case of premises other than premises to which paragraph 4 of this Schedule applies, the grant or renewal of a permit shall (subject to paragraph 7 of this Schedule) be at the discretion of the appropriate authority; and in particular, and without prejudice to the generality of that discretion, the appropriate authority may refuse to grant or renew any such permit on the grounds that, by reason of the purposes for which, or the persons by whom, or any circumstances in which, the premises are or are to be used, it is undesirable that machines to which Part III of this Act applies should be used for providing amusements on those premises.

(3) The preceding provisions of this paragraph shall have effect subject to section 34(7) of this Act.

Textual Amendments

F323 Sch. 9 para. 8(1)(b)(ii) inserted (20.6.1996) by S.I. 1996/1359, **art. 9(3)(c)**
F324 Word in Sch. 9 para. 8(1)(b) substituted (20.6.1996) by S.I. 1996/1359, **art. 9(3)(a)**
F325 Words in Sch. 9 para. 8(1)(b) inserted (20.6.1996) by S.I. 1996/1359, **art. 9(3)(b)**
F326 Word in Sch. 9 para. 8(1)(b) inserted (20.6.1996) by S.I. 1996/1359, **art. 9(3)(d)**
F327 Sch. 9 para. 8(1A)(1B) inserted (20.6.1996) by S.I. 1996/1359, **art. 9(4)**

Condition imposed on grant or renewal of permit

9 Where an application for the grant or renewal of a permit is made to a local authority, and there is for the time being in force a resolution passed by that authority as mentioned in sub-paragraph (*c*) of paragraph 3 of this Schedule which is applicable to the premises to which the application relates, then, if the authority grant or renew the permit, it shall be their duty to do so subject to a condition limiting the number of machines to which Part III of this Act applies which may be made available for gaming on the premises to such number, not exceeding the number specified in the resolution, as the authority may determine.

10 Subject to paragraph 9 of this Schedule, on granting or renewing a permit in respect of any premises, other than premises to which paragraph 4 of this Schedule applies, the appropriate authority may grant or renew it subject to a condition limiting the number of machines to which Part III of this Act applies which may be made available for gaming on the premises to such number as the authority may determine.

Condition in case of premises with liquor licence

[F328 10A (1) A permit in respect of any such premises as are mentioned in sub-paragraph (a) or sub-paragraph (c) of paragraph 1 of this Schedule shall be subject to the condition that any machine in respect of which the conditions mentioned in section 34(5A) of this Act are observed is located in a bar.

(2) In sub-paragraph (1), "bar"—

(a) in relation to any such premises as are mentioned in sub-paragraph (a) of paragraph 1 of this Schedule, has the same meaning as in the Licensing Act 1964 F329 and

(b) in relation to any such premises as are mentioned in sub-paragraph (c) of that paragraph has the same meaning as in the Licensing (Scotland) Act 1976 F330.]

Textual Amendments

F328 Sch. 9 paras. 10A, 10B inserted (20.6.1996) by S.I. 1996/1359, **art. 9(5)**

F329 1964 c.26.

F330 1976 c.66.

Grant by local authority of amusement machine premises permit

F331 10B (1) This paragraph applies where a local authority grant a permit in respect of premises to which paragraph 4 of this Schedule applies.

(2) The authority shall state in the permit whether it is granted for the purposes of subsection (1) or (5E) of section 34 of this Act.

(3) Where the permit is expressed to be granted for the purposes of section 34(5E) of this Act, it shall be subject to the following conditions, namely—

(a) in the case of premises where admission is restricted to persons aged 18 or over, that no person under 18 is admitted to the premises; and

(b) in the case of premises where admission is not restricted to persons aged 18 or over—

(i) that any machine in respect of which the conditions mentioned in section 34(5A) of this Act are observed is located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access otherwise than by means of an entrance designed for the purpose;

(ii) that only persons aged 18 or over are admitted to an area of the premises in which any such machine is located;

(iii) that access to an area of the premises in which any such machine is located is supervised;

(iv) that any area of the premises in which any such machine is located is so arranged as to permit all parts of it to be observed; and

(v) that at the entrance to, and inside, any such area there are prominently displayed notices indicating that access to the area is prohibited to persons aged under 18.

Textual Amendments

F331 Sch. 9 paras 10A, 10B inserted (20.6.1996) by S.I. 1996/1359, **art. 9(5)**

Appeal in England or Wales against decision of appropriate authority

11 (1) Where on an application under this Schedule in England or Wales the appropriate authority refuse to grant or renew a permit, or grant or renew it subject to a condition, the authority shall forthwith give to the applicant notice of their decision and of the grounds on which it is made.

(2) Where such a notice has been given, the applicant may, by notice to the **[**[F332]proper officer of**]** the appropriate authority, appeal against the decision to **[**[F333]the Crown Court.**]**

(3) As soon as practicable after receiving notice of appeal against a decision of the appropriate authority, the **[**[F332]proper officer of**]** the authority shall send the notice to **[**[F334]the appropriate officer of the Crown Court**]** together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant.

(4) On receipt of the notice of appeal, **[**[F334]the appropriate officer of the Crown Court**]** shall enter the appeal and give to the appellant and to the appropriate authority not less than seven days' notice in writing of the date, time and place appointed for the hearing of the appeal.

(5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.

Textual Amendments

F332 Words in Sch. 9 para. 11(2)(3) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 61(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F333 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

F334 Words substituted by Courts Act 1971 (c. 23), **Sch. 8 para. 2**

12 (1) Where the appeal is an appeal against a decision of a local authority refusing to grant or renew a permit, **[**[F335]the Crown Court**]** shall not allow the appeal if satisfied that, by virtue of paragraph 7 of this Schedule, it was the duty of the authority to refuse to grant or renew the permit.

(2) Where the appeal is against a decision of a local authority to grant or renew a permit subject to a condition, and **[**[F335]the Crown Court**]** is satisfied that, by virtue of paragraph 9 of this Schedule, it was the duty of the authority to grant or renew the permit subject to such a condition as is mentioned in that paragraph, the court shall not reverse or vary the decision so as—

(a) to grant or renew the permit unconditionally, or

(b) to grant or renew the permit subject to a condition limiting the number of machines to which Part III of this Act applies which may be made available for gaming on the premises to a number exceeding the number specified in the resolution of the local authority.

Textual Amendments

F335 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

13 Subject to paragraph 12 of this Schedule, on any appeal under paragraph 11 of this Schedule **[**[F336]the Crown Court**]** may by its order allow or dismiss the appeal, or reverse or vary any part of the decision of the appropriate authority, and may deal with the application as if it had been made to **[**[F336]the Crown Court**]** in the first instance; and the judgment of **[**[F336]the Crown Court**]** on the appeal shall be final.

Textual Amendments

F336 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

14 (1) . . . . . [F337]

(2) Where the appropriate authority is the licensing justices for a licensing district, and **[**[F338]the Crown Court**]**—

(a) has allowed such an appeal, or

(b) has awarded the licensing justices any costs . . . . [F339] and is satisfied that the licensing justices cannot recover those costs,

the court shall order payment out of **[**[F340]central funds**]** of such sums as appear to the court sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant's having served notice of appeal.

(3) . . . . . [F341]

Textual Amendments

F337 Sch. 9 para. 14(1) repealed by S.I. 1971/1292

F338 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

F339 Words repealed by S.I. 1971/1292

F340 Words substituted by Courts Act 1971 (c. 23), **Sch. 6 para. 13**

F341 Sch. 9 para. 14(3)–(5) repealed by Courts Act 1971 (c. 23), s. 56(4), **Sch. 11 Pt. III**

Appeal in Scotland against decision of appropriate authority

15 Where on an application under this Schedule in Scotland the appropriate authority refuse to grant or renew a permit, or grant or renew it subject to a condition, the authority shall forthwith give to the applicant notice of their decision and of the grounds on which it is made; and the applicant may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision to the sheriff having jurisdiction in the authority's area.

Modifications etc. (not altering text)

C67 Para. 15 applied by Licensing (Scotland) Act 1976 (c. 66), **s. 133(4)**

16 Paragraph 12 of this Schedule shall apply to an appeal under the last foregoing paragraph except that for any reference to the court of quarter sessions there shall be substituted a reference to the sheriff.

17 . . . . . [F342]

Textual Amendments

F342 Sch. 9 para. 17 repealed by Licensing (Scotland) Act 1976 (c. 66), **Sch. 8**

Duration of permit

18 Subject to the following provisions of this Schedule, and without prejudice to the cancellation of any permit under section 39 of this Act, a permit—

(a) if not renewed, shall cease to have effect on such date, not being less than three years beginning with the date on which it was granted, as may be specified in the permit, or

(b) if renewed, shall, unless further renewed, cease to have effect on such date, not being less than three years beginning with the date on which it was renewed or last renewed, as the case may be, as may be specified in the decision to renew it.

19 (1) Where an application for the renewal of a permit is made not less than one month before the date on which it is due to expire, the permit shall not cease to have effect by virtue of the last preceding paragraph before the appropriate authority have determined the application or the application has been withdrawn.

(2) Where, on such an application, the appropriate authority refuse to renew the permit, it shall not cease to have effect by virtue of the last preceding paragraph before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to have effect by virtue of that paragraph until the appeal has been determined or abandoned.

20 (1) A permit shall not be transferable, and, subject to the following provisions of this paragraph, shall cease to have effect if—

(a) in the case of premises falling within sub-paragraph (*a*) or sub-paragraph (*c*) of paragraph 1 of this Schedule, the holder of the permit . . . [F343] ceases to be the holder of the licence or certificate in respect of the premises, or

(b) in the case of any other premises, the holder of the permit ceases to be the occupier of the premises.

(2) If the holder of a permit . . . [F343] dies while the permit is in force—

(a) the permit shall not cease to have effect by virtue of paragraph 18 of this Schedule or by virtue of the preceding sub-paragraph before the end of the period of six months beginning with the date of his death, and

(b) except for the purposes of a renewal of the permit, his personal representatives shall be deemed to be the holder of the permit;

and the appropriate authority may from time to time, on the application of those personal representatives, extend or further extend the period for which the permit continues to have effect by virtue of this sub-paragraph if satisfied that the extension is necessary for the purpose of winding up the estate of the deceased and that no other circumstances make it undesirable.

Textual Amendments

F343 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**

[F344 20A (1) A permit expressed to be granted for the purposes of subsection (1) of section 34 of this Act shall cease to have effect on the grant in respect of the premises to which the permit relates of a permit expressed to be granted for the purposes of subsection (5E) of that section.

(2) A permit expressed to be granted for the purposes of subsection (5E) of section 34 of this Act shall cease to have effect on the grant in respect of the premises to which the permit relates of a permit expressed to be granted for the purposes of subsection (1) of that section.]

Textual Amendments

F344 Sch. 9 para. 20A inserted (20.6.1996) by S.I. 1996/1359, **art. 9(6)**

Payment of fees

21 Notwithstanding anything in the preceding provisions of this Schedule, no permit shall be granted or renewed except on payment by the applicant to the appropriate authority or their [F345 proper officer] of the fee chargeable in accordance with section 48 of this Act.

Textual Amendments

F345 Words in Sch. 9 para. 21 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 61(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

Supplementary provisions

22 The grant or renewal of a permit shall not be invalidated by any failure to comply with any requirement of paragraph 7 or paragraph 9 of this Schedule; and any duty of a local authority to comply with such a requirement shall not be enforceable by any legal proceedings.

23 In this Schedule "justices' on-licence", "Part IV licence", and "licensing district" have the same meanings as in the [M39] Licensing Act 1964, and [F346 "public house licence" and "hotel licence" have the same meanings as in Schedule 1 to the [M40] Licensing (Scotland) Act 1976.]

Textual Amendments

F346 Words substituted by Licensing (Scotland) Act 1976 (c. 66), **Sch. 7 para. 12**

Marginal Citations

M39 1964 c. 26.

M40 1976 c. 66.

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

[F347 24 For the purposes of this Schedule the proper officer of an appropriate authority is—

(a) where the appropriate authority is the licensing justices for a licensing district in England and Wales, the [F348 designated officer for] the justices, and

(b) in any other case, the clerk to the authority.]

Textual Amendments

F347 Sch. 9 para. 24 inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 61(4)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

F348 Words in Sch. 9 para. 24(a) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 37**

SCHEDULE 10

Section 49.

PROVISION OF INFORMATION BY LICENSING AUTHORITIES AND SHERIFF CLERKS

1 The clerk to each licensing authority shall keep in the prescribed form registers containing such particulars as may be prescribed with respect to the grant, renewal, cancellation and transfer by the licensing authority of licences under this Act.

2 The clerk to each licensing authority in England or Wales and each sheriff clerk in Scotland shall keep in the prescribed form registers containing such particulars as may be prescribed with respect to the registration by the authority or sheriff of clubs and miners' welfare institutes under Part II or Part III of this Act, and of the renewal and cancellation by the authority or sheriff of any such registration.

3 Each licensing authority shall permit any constable, [F349 or officer of customs and excise] and any other person on payment of the prescribed fee, to inspect at any reasonable time any register kept by the authority under paragraph 1 or (in England or Wales) under paragraph 2 of this Schedule.

Textual Amendments

F349 Words inserted by Finance Act 1970 (c. 24), **Sch. 1 Pt. II para. 16(3)**

4 Any constable, [F350 or officer of customs and excise] and any other person on payment of the prescribed fee, may inspect at any reasonable time any register kept by the sheriff clerk under paragraph 2 of this Schedule.

Textual Amendments

F350 Words inserted by Finance Act 1970 (c. 24), **Sch. 1 Pt. II para. 16(3)**

5 (1) The clerk to each licensing authority shall send to the Board such particulars as may be prescribed with respect to matters in relation to which the authority are required to keep registers under paragraph 1, or in England or Wales under paragraphs 1 and 2, of this Schedule.

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

(2) Each sheriff clerk shall send to the Board such particulars as may be prescribed with respect to matters in relation to which he is required to keep registers under paragraph 2 of this Schedule.

6 The Board may request a licensing authority to send to the Board a statement setting out any particulars notified to the licensing authority under section 14(4) of this Act during a period specified in the request, and the licensing authority shall comply with any such request.

7 Without prejudice to the preceding provisions of this Schedule, the clerk to each licensing authority, and each sheriff clerk, on being requested by the Board to do so, shall compile from such information as is for the time being in his possession, and shall furnish the Board with, such statistics as the Board may from time to time require for the purpose of assisting the Board in the performance of their functions, and in particular their functions under section 10(3), of this Act.

SCHEDULE 11

Section 53

MINOR AND CONSEQUENTIAL AMENDMENTS

[X1]PART I

AMENDMENTS OF BETTING, GAMING AND LOTTERIES ACT 1963 [M41]

Editorial Information

X1 The text of this entry is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M41 1963 c.2.

Section of Act	Amendment
Section 40	For the words "this part of this Act" there shall be substituted the words "the Gaming Act 1968", and for the words "section 35 of this Act" there shall be substituted the words "section 6 of that Act".
. . . F351	
Section 55	In subsection (1), after the definition of "approved horse racecourse" there shall be inserted the following definition, namely, "bet" does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming, and for the definitions of "game of chance" and "gaming" there shall

Status: *Point in time view as at 01/04/2005.*
Changes to legislation: *There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

	be substituted the words "game of chance" and "gaming" have the same meanings as in the Gaming Act 1968.

Textual Amendments

F351 Entries repealed by Lotteries Act 1975 (c. 58), **Sch. 5** and by Lotteries and Amusements Act 1976 (c. 32), **Sch. 5**

PART II. F352

Textual Amendments

F352 Sch. 11 Pt. II repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29** and by Lotteries and Amusements Act 1976 (c. 32), **Sch. 5**

X2PART III

AMENDMENTS OF OTHER ENACTMENTS

Editorial Information

X2 The text of this entry is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Enactment	Amendment
The Licensing (Scotland) Act 1959 (1959 c. 51)	In Schedule 2— (a)in the form of certificate for a hotel, in condition (11) for the words from "Part II" to the end there shall be substituted the words "the Gaming Act 1968 is committed or a requirement or restriction for the time being in force under section 6 of that Act is contravened;" and (b)in the form of certificate for a public house, in condition (12) for the words from "Part II" to the end there shall be substituted the words "the Gaming Act 1968 is committed or a requirement or restriction for the time being in force under section 6 of that Act is contravened;"
. . . F353	
The Licensing Act 1964 (1964 c. 26).	In section 177, for the words "Part II of the Betting, Gaming and Lotteries Act 1963"

there shall be substituted the words "the Gaming Act 1968" ; and for the words "section 35" there shall be substituted the words "section 6"

In section 202(1)(*b*) for the words "section 35 of the Betting, Gaming and Lotteries Act 1963" there shall be substituted the words "section 6 of the Gaming Act 1968".

. . .
F353

Textual Amendments

F353 Sch. 11 Pt. III entries repealed by Finance Act 1969 (c. 32), **Sch. 21 Pt. I**, by Finance Act 1970 (c. 24), **Sch. 8 Pt. I** except as respects any gaming before 1. 10. 1970 and by Betting and Gaming Duties Act 1972 (c. 25), **Sch. 7**

[X3]SCHEDULE 12

Section 53.

ENACTMENTS REPEALED

Editorial Information

X3 The text of Sch. 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
1963 c.2.	The Betting, Gaming and Lotteries Act 1963.	Sections 32 to 39.
		Section 49(4).
		Section 50.
1964 c.78.	The Betting, Gaming and Lotteries Act 1964.	The whole Act.

Status:
Point in time view as at 01/04/2005.

Changes to legislation:
There are currently no known outstanding effects for the Gaming Act 1968 (repealed).