

SCHEDULES

SCHEDULE 4

Sections 21(1), 24(1) and 26.

GAMING MACHINE LICENCE DUTY

PART I

EXEMPTIONS FROM REQUIREMENT OF EXCISE LICENCE

Charitable entertainments, etc.

- 1 (1) A gaming machine licence shall not be required in order to authorise the provision of a gaming machine at an entertainment (whether limited to one day or extending over two or more days), being a bazaar, sale of work, fete, dinner, dance, sporting or athletic event or other entertainment of a similar character, where the conditions of this paragraph are complied with in relation to the entertainment.
- (2) The conditions of this paragraph are that—
- (a) the whole proceeds of the entertainment (including the proceeds of gaming by means of any machine) after deducting the expenses of the entertainment, including any expenses incurred in connection with the provision of gaming machines and of prizes to successful players of the machines will be devoted to purposes other than private gain ; and
 - (b) the opportunity to win prizes by playing the machine (or that machine and any other provided for gaming at the entertainment) does not constitute the only, or the only substantial, inducement for persons to attend the entertainment.
- (3) Sub-paragraphs (2) and (3) of paragraph 3 of Schedule 3 to this Act (construction of reference to " private gain ") shall apply for the construction of sub-paragraph (2)(a) above as they apply for the construction of sub-paragraph (1) of that paragraph.

Pleasure fairs

- 2 (1) A gaming machine licence shall not be required in order to authorise the provision of a gaming machine at 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 for more than twenty-seven days for the holding of such a pleasure fair, where the conditions of this paragraph are complied with in relation to the machine.
- (2) The conditions of this paragraph are that—
- (a) the amount payable to play the machine once does not exceed 10p;
 - (b) a person playing the machine once and successfully does not receive any thing other than one of the following prizes or combinations of prizes: —

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- (i) a money prize not exceeding £1 or a token which is, or two or more tokens which in the aggregate are, exchangeable only for such a money prize ;
 - (ii) a non-monetary prize or prizes of a value or aggregate value not exceeding £2 or a token exchangeable only for such a non-monetary prize or such non-monetary prizes;
 - (iii) a money prize not exceeding £1 together with a non-monetary prize of a value which does not exceed £2 less the amount of the money prize ;
 - (iv) one or more tokens which can be exchanged for a non-monetary prize or non-monetary prizes at the appropriate rate; and
- (c) the opportunity to play the machine (or that machine and any other provided for gaming at the fair) does not constitute the only, or the only substantial, inducement for persons to attend the fair.
- (3) In sub-paragraph (2)(b) above, "non-monetary prize", in relation to a machine, 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 be used for playing the machine ; and, for the purposes of sub-paragraph (2)(b)(iv) 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 £2 and the token or tokens exchanged represent the maximum number of tokens which can be won by playing the machine once, or
 - (b) in any other case, the value or aggregate value of the prize or prizes does not exceed £2 and bears to £2 a proportion not exceeding that which the number of tokens exchanged bears to the maximum number of tokens which can be won by playing the machine once.
- (4) The condition specified in sub-paragraph (2)(b) above shall not, in relation to a machine, be taken to be contravened by reason only that a successful player of the machine receives an opportunity to play again (once or more often) without paying, so long as the most which he can receive if he wins each time he plays again is a money prize or money prizes of an amount, or aggregate amount, of £1 or less.

- 3 The Commissioners may by order provide that any provision of paragraph 2 above which is specified in the order and which mentions a sum shall have effect, as from a date so specified, as if for that sum there were substituted such larger sum as may be specified in the order.

Months preceding and following half-year summer licences

- 4 A gaming machine licence shall not be required in order to authorise the provision of a gaming machine on any premises during March or October of any year if the premises have local authority approval under the Gaming Acts and the provision of the machine on the premises has been authorised by a gaming machine licence for the period from 1st April to 30th September in that year.

PART II

SUPPLEMENTARY PROVISIONS

General administration

- 5 The duty on gaming machine licences shall be under the care and management of the Commissioners, who may (without prejudice to any other provision of this Schedule) make regulations providing for any matter for which provision appears to them to be necessary for the administration or enforcement of the duty, or for the protection of the revenue in respect thereof; and in this Schedule—
- (a) " regulations " means regulations of the Commissioners made thereunder; and
 - (b) " prescribed " means prescribed by regulations.

Applications for and duration of licence

- 6 An application for a licence in respect of any premises shall, subject to paragraph 7(2) below, be made to the Commissioners not later than fourteen days before the date on which the licence is to be in force.
- 7 (1) Subject to sub-paragraph (2) below, a licence shall be expressed to take effect—
- (a) on the first day of the period for which it is granted, or
 - (b) on the fourteenth day after the date of the application,
- whichever is the later.
- (2) Where a licence would otherwise, by virtue of sub-paragraph (1)(b) above, be expressed to take effect on the fourteenth day after the date of the application it may, if the Commissioners think fit, be expressed to take effect earlier than that day, but in no case earlier than the day following that date.
- (3) A whole-year licence shall expire at the end of 30th September next after the date on which it is expressed to take effect; and a half-year licence shall expire at the end of 31st March or, as the case may be, 30th September next after that date.

Transfer of licence

- 8 (1) The proper officer may, in such manner as the Commissioners may direct, and without any additional payment, transfer a gaming machine licence in respect of any premises to a successor in title to the interest in those premises of the person to whom the licence was granted.
- (2) Where the holder of a gaming machine licence in respect of any premises dies, the proper officer may transfer the licence, in such manner as the Commissioners may direct and without any additional payment, to some other person for the remainder of the period for which the licence was granted.

Amendment of licence

- 9 The proper officer may, in such manner as the Commissioners may direct, and without any additional payment, amend a gaming machine licence by substituting different premises for those in respect of which it is for the time being in force, but—

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- (a) this paragraph shall not be taken as authorising any amendment affecting the number or descriptions of gaming machines authorised by the licence, and
 - (b) the proper officer must be satisfied that there is no other licence in" force as respects the new premises, except where the transfer is of a licence relating only to machines chargeable at one rate, and the licence already in force relates only to machines chargeable at another rate.
- 10 (1) Where there is a gaming machine licence for the time being in force in respect of any premises, the holder may at any time apply to the Commissioners for the licence to be amended under this paragraph, and the proper officer shall, on payment of the additional duty (if any), amend the licence accordingly.
- (2) A licence may be amended under this paragraph—
- (a) so as to increase the number of machines which are authorised by the licence for the premises in question (whether chargeable at one or more of the rates respectively) ; or
 - (b) so as to increase the number of machines chargeable at one rate and reduce the number chargeable at another rate ; or
 - (c) in the case of a licence which authorises only machines chargeable at one rate, so as to authorise a specified number of machines chargeable at another rate.
- (3) The additional duty referred to in sub-paragraph (1) above shall be payable only where—
- (a) the amount of the duty originally paid on the licence, or
 - (b) in the case of a licence previously amended under this paragraph, that amount plus any additional duty paid in respect of that amendment,
- is exceeded by the amount of duty which would have been payable on the original licence if it had been granted as proposed to be amended; and the amount of the additional duty shall then be the difference between those two amounts, except that where a whole-year licence falls to be amended in pursuance of a late application, that is to say an application made after 31st March immediately preceding 30th September on which it is due to expire—
- (i) in the case of a licence which has not previously been amended in pursuance of a late application, the additional duty shall be eleven-twentieths of that difference, and
 - (ii) in any other case, the additional duty shall be the difference between the additional duty that would be payable if no previous late applications had been made and the additional duty paid on any such applications.
- (4) Regulations may make provision with respect to the procedure for amending licences under this paragraph, and any such regulations may include provision—
- (a) as to the method of amendment (that is to say, whether it is to be effected by endorsement of the licence, or by the issue of an amended licence, or otherwise howsoever), and
 - (b) as to the time at which a licence is to have effect as amended.

Surrender of licence

- 11 (1) The following provisions shall have effect where a whole-year licence is in force in respect of any premises and, not later than 31st March immediately preceding 30th

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September on which the licence is due to expire, the holder of the licence surrenders it to the proper officer.

- (2) Subject to sub-paragraph (3) below, if the holder satisfies the proper officer that during the period between the date of the surrender and that on which the licence would otherwise expire he will not be concerned with the provision of any gaming machines for gaming on the premises to which the licence relates he shall be entitled to repayment of an amount equal to nine-twentieths of the duty paid on the licence.
- (3) Sub-paragraph (2) above shall not apply if any person has been convicted of an offence under section 24 of this Act in respect of a contravention of that section which occurred between the grant of the licence and the date of surrender; and where at the date of surrender proceedings for such an offence are pending against any person, the right to repayment under this paragraph shall not arise until the proceedings are terminated, nor unless every person charged in those proceedings with such an offence has been acquitted thereof.

Requirements to be observed by licence-holder

- 12 The holder of a gaming machine licence in respect of any premises shall secure that the licence is displayed on the premises at such times and in such manner as may be prescribed, and shall on demand by an officer at any time produce the licence for the officer's inspection.
- 13 Regulations may make provision with respect to the labelling or marking of gaming machines provided on any premises in respect of which a gaming machine licence is for the time being in force, with a view to enabling such machines to be identified as chargeable at the lower rate, the higher rate, the peak rate or, as the case may be, as being penny machines; and any such regulations may include provision as to the size and description of labels or marks to be applied to machines, as to the cases in which they are required to be, or are prohibited from being, applied, and as to the manner of their application.

Power to enter premises and obtain information

- 14 Any officer may (without payment) enter on any premises on which he knows or has reasonable cause to suspect that gaming machines are or have been provided for gaming and inspect those premises and require any person who is concerned in the management of the premises, or who is on the premises and appears to the officer to have any responsibility whatsoever in respect of their management or of the control of the admission of persons thereto—
 - (a) to produce or secure the production of any gaming machine licence for the time being in force in respect of the premises, or
 - (b) to provide information with respect to any use to which the premises are or have been put, or to any machine which is or has been on the premises and any game which may have been played by means of such a machine or to the way in which the machine works, or to the amount which is or has been payable to play it.

Registers of permits, etc.

- 15 (1) The clerk to the appropriate authority shall keep a register in the prescribed form and containing the prescribed particulars of—

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- (a) all permits issued by the authority for the purposes of section 16 of the Lotteries and Amusements Act 1976 (permitted gaming in the form of amusements with prizes),
- (b) all permits so issued for the purposes of section 34 of the Gaming Act 1968 (conditions under which gaming may be carried on by means of machines), and
- (c) all directions given by the authority under section 32 of the Gaming Act 1968 (approval for provision of more than two gaming machines);

and any such register shall be open during reasonable hours for inspection by any officer.

- (2) In sub-paragraph (1) above, " the appropriate authority
 - (a) in relation to permits issued for the purposes of section 16 of the Lotteries and Amusements Act 1976, means the local authority within the meaning of Schedule 3 to that Act,
 - (b) in relation to permits issued for the purposes of section 34 of the Gaming Act 1968, has the same meaning as in Schedule 9 to that Act, and
 - (c) in relation to directions under section 32 of the Gaming Act 1968, means the licensing authority under that Act.

Enforcement

- 16 (1) If any person contravenes or fails to comply with any provision of this Part of this Schedule or regulations, or fails or refuses to comply with any requirement lawfully made of him under this Part of this Schedule or regulations, he shall be guilty of an offence and be liable on summary conviction to a penalty of £500.
- (2) Where a person is convicted of an offence under this paragraph consisting in a failure to comply with any provision of this Part of this Schedule or of regulations, and the failure continues after the conviction, he shall be guilty of a further offence under this paragraph and may on conviction be punished accordingly.
- 17 (1) If a justice of the peace or, in Scotland, a justice (within the meaning of section 462 of the Criminal Procedure (Scotland) Act) is satisfied on information on oath that there is reasonable ground for suspecting that gaming machines are or have been, or are to be, provided for gaming on any premises in contravention of section 24 of this Act, he may issue a warrant in writing authorising an officer to enter the premises (if necessary by force) at any time within fourteen days of the issue of the warrant and search them.
- (2) An officer who enters premises under the authority of such a warrant may—
 - (a) seize and remove any records, accounts or other documents, or any gaming machine (including any machine appearing to the officer to be constructed or adapted, or to be capable of use, for playing a game of chance by means of it), or any tokens 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 section 24 of this Act or paragraph 16 above ;
 - (b) search any person found on the premises whom he has reasonable cause to believe to be or have been concerned with the provision of gaming machines on the premises, or with the management of the premises, or to be or have been responsible for controlling the admission of persons to the premises.

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- 18 Where an officer finds gaming machines provided on any premises in such circumstances that a gaming machine licence is required so as to authorise them so to be provided and either—
- (a) there is not produced to him on demand a valid gaming machine licence in respect of the premises, or
 - (b) such a licence is produced, but the officer is satisfied that, having regard to the number of machines on the premises and their description, there is or has been a contravention of section 24 of this Act in respect of the premises,
- all gaming machines found on the premises shall be liable to forfeiture.