



Gambling Act 2005

2005 CHAPTER 19

^{F1}PART 8

PREMISES LICENCES

Specific cases

172 Gaming machines

- (1) An adult gaming centre premises licence shall, by virtue of this section, authorise the holder—
 - [^{F1}(a) to make available for use on the premises a number of Category B gaming machines not exceeding 20 per cent of the total number of gaming machines which are available for use on the premises,]
 - (b) to make any number of Category C gaming machines available for use on the premises, and
 - (c) to make any number of Category D gaming machines available for use on the premises.
- (2) A family entertainment centre premises licence shall, by virtue of this section, authorise the holder—
 - (a) to make any number of Category C gaming machines available for use on the premises, and
 - (b) to make any number of Category D gaming machines available for use on the premises.
- (3) A casino premises licence for a regional casino using at least 40 gaming tables shall by virtue of this section authorise the holder to make gaming machines available for use on the premises provided that—
 - (a) each gaming machine is of Category A, B, C or D, and
 - (b) the number of gaming machines—
 - (i) is not more than 25 times the number of gaming tables used in the casino, and

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- (ii) is not more than 1250.
- (4) A casino premises licence for a large casino using at least one gaming table, or for a regional casino using fewer than 40 gaming tables, shall by virtue of this section authorise the holder to make gaming machines available for use on the premises provided that—
 - (a) each gaming machine is of Category B, C or D, and
 - (b) the number of gaming machines—
 - (i) is not more than 5 times the number of gaming tables used in the casino, and
 - (ii) is not more than 150.
- (5) A casino premises licence for a small casino using at least one gaming table shall by virtue of this section authorise the holder to make gaming machines available for use on the premises provided that—
 - (a) each gaming machine is of Category B, C or D, and
 - (b) the number of gaming machines—
 - (i) is not more than twice the number of gaming tables used in the casino, and
 - (ii) is not more than 80.
- (6) The Secretary of State may by regulations—
 - (a) define “gaming table” for the purposes of subsections (3) to (5);
 - (b) provide that a gaming table is to be treated as being used in a casino for the purposes of those subsections only if used—
 - (i) for a specified purpose,
 - (ii) in specified circumstances, and
 - (iii) to a specified extent;
 - (c) provide for a number of tables are to be treated as if they were a single gaming table in specified circumstances.
- (7) A bingo premises licence shall, by virtue of this section, authorise the holder—
 - [^{F2}(a) to make available for use on the premises a number of Category B gaming machines not exceeding 20 per cent of the total number of gaming machines which are available for use on the premises,]
 - (b) to make any number of Category C gaming machines available for use on the premises, and
 - (c) to make any number of Category D gaming machines available for use on the premises.
- (8) A betting premises licence shall, by virtue of this section, authorise the holder to make up to four gaming machines, each of which must be of Category B, C or D, available for use.
- (9) But subsection (8) applies to a betting premises licence in respect of a track only if the holder also holds a pool betting operating licence.
- (10) A premises licence may not (whether by way of condition or otherwise)—
 - (a) make provision about the number or categories of gaming machine that may be made available for use that contradicts a provision of this section,
 - (b) make provision that contradicts a provision of regulations under section 236, 240 or 241, or

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- (c) make provision of a kind prohibited by regulations under any of those sections.
- (11) The [^{F3}appropriate Minister] may by order amend a provision of this section so as to vary—
- (a) the number of machines authorised by a specified kind of premises licence;
 - (b) the category of machines authorised by a specified kind of premises licence.
- [^{F4}(12) In subsection (11) “the appropriate Minister” means—
- (a) the Scottish Ministers, so far as, in the case of a betting premises licence in respect of premises in Scotland and not in respect of a track, the order varies—
 - (i) the number of gaming machines authorised for which the maximum charge for use is more than £10, or
 - (ii) whether such machines are authorised;
 - [^{F5}(aa) the Welsh Ministers, so far as, in the case of a betting premises licence in respect of premises in Wales and not in respect of a track, the order varies—
 - (i) the number of gaming machines authorised for which the maximum charge for use is more than £10, or
 - (ii) whether such machines are authorised;]
 - (b) otherwise, the Secretary of State.]

Textual Amendments

- F1** S. 172(1)(a) substituted (13.7.2011) by [The Gambling Act 2005 \(Gaming Machines in Adult Gaming Centres and Bingo Premises\) Order 2011 \(S.I. 2011/1710\)](#), arts. 1, **2** (with arts. 4, 5)
- F2** S. 172(7)(a) substituted (13.7.2011) by [The Gambling Act 2005 \(Gaming Machines in Adult Gaming Centres and Bingo Premises\) Order 2011 \(S.I. 2011/1710\)](#), arts. 1, **3** (with arts. 4, 5)
- F3** Words in s. 172(11) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 52(3)**, 72(7) (with s. 52(6))
- F4** S. 172(12) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 52(4)**, 72(7) (with s. 52(6))
- F5** S. 172(12)(aa) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 58(1)**, 71(4) (with s. 58(3), Sch. 7 paras. 1, 6); [S.I. 2017/1179](#), reg. 3(1)

Modifications etc. (not altering text)

- C1** S. 172 modified (1.9.2007) by [Categories of Gaming Machine Regulations 2007 \(S.I. 2007/2158\)](#), regs. 1(b), **6(3)**

Commencement Information

- I1** S. 172 in force at 1.9.2007 by [S.I. 2006/3272](#), art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.)

Changes to legislation:

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