
STATUTORY INSTRUMENTS

1996 No. 1359

**The Deregulation (Gaming Machines
and Betting Office Facilities) Order 1996**

Relaxation of restrictions on use of machines for amusement purposes

9.—(1) Schedule 9 to the 1968 Act (permits under section 34) shall be amended as follows.

(2) In paragraph 5 (application for grant or renewal of permit) after sub-paragraph (1) there shall be inserted—

“(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.”

(3) In paragraph 8(1)(b) (grounds on which renewal of amusement machine premises permit may be refused)—

- (a) for “either” there shall be substituted “(i)”,
- (b) after “that” there shall be inserted “, while the permit has been in force,”
- (c) after “inspect the premises” there shall be inserted—

“(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,” and

- (d) after “or”, in the second place where it occurs, there shall be inserted “(iii)”.

(4) After paragraph 8(1) there shall be inserted—

“(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.”.

(5) After paragraph 10 there shall be inserted—

“Condition in case of premises with liquor licence

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(1) 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(2).

Grant by local authority of amusement machine premises permit

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.”.

(6) After paragraph 20 there shall be inserted—

“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

(1) 1964 c. 26.

(2) 1976 c. 66.

permit relates of a permit expressed to be granted for the purposes of subsection (1) of that section.”.