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STATUTORY INSTRUMENTS

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**2003 No. 3275**

**The Regulatory Reform (Gaming Machines) Order 2003**

**Amendment of Part III of the Gaming Act 1968**

2.—(1) Part III of the Gaming Act 1968(1) shall be amended in accordance with the following provisions of this article.

(2) In section 26 (machines to which Part III applies), in subsection (1)(b), omit “in the form of cash or tokens”.

(3) In section 31 (use of gaming machines by virtue of licence or registration), in subsection (3), for “shall be a coin or coins inserted in the machine of an amount not exceeding (or, if more than one, not in the aggregate exceeding)” substitute “shall not exceed”.

(4) After section 31(3) insert—

“(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—

$$(A + B) - C$$

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.”.

(5) In section 31, for subsection (4) substitute—

“(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.”.

(6) In section 31(5), for “the coins delivered by any such machine on the premises as a prize in respect of any one game played by means of the machine shall not in the aggregate exceed” substitute “the value of the prize in respect of any one game played by means of the machine shall not exceed”.

(7) After section 31(5) insert—

“(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.”.

(8) After section 31(8) insert—

“(9) In this section “services” includes a game or games on a machine to which this Part of this Act applies.”.

(9) In section 34(2) (other uses of machines for amusement purposes), in subsections (5A) and (5E), for “(5B) and (5C)” substitute “(5B) to (5C)”.

(10) In section 34(5B) for “shall be the same as that under subsection (2) of this section” substitute “shall not exceed the amount specified in subsection (2) of this section”.

(11) After section 34(5B) insert—

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(2) Subsections (5A) to (5E) of section 34 were inserted by article 6(3) of S.I.1996/1359.

“(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.”.

(12) In section 34(5D), for “coin” substitute “payment”.

(13) In section 37 (regulations with respect to machines and records), in subsection (1)(b), after “tokens” insert “or other objects”.

(14) In section 38 (offences under Part III), in subsection (9)(a), after “token” insert “or other object for use in machines”.