
STATUTORY INSTRUMENTS

1985 No. 1204

The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

PART III

GAMING

CHAPTER III

GAMING BY WAY OF A GAMING MACHINE

Amusement permits

Persons to whom amusement permits may be granted

109.—(1) The person to whom an amusement permit is granted shall be the person who is, or who proposes to be, the occupier of the premises for which the amusement permit is sought.

(2) An amusement permit may be granted to an individual, to [^{F1}a body corporate] or to 2 or more persons carrying on business in partnership.

(3) In considering the fitness of a person to hold an amusement permit, a district council shall have regard to the character, reputation and financial standing—

(a) of the applicant; and

(b) of any other person by whom the business which is or is proposed to be carried on under the permit would be managed, or for whose benefit that business would be carried on;

but may also take into consideration any other circumstances appearing to it to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing that the provisions of this Part and of any regulations made under it will be complied with.

(4) In considering the fitness of a body corporate to hold an amusement permit, a district council shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it and who have a financial interest in it, as if the permit were, or were proposed to be, held by them jointly.

<p>F1 Words in art. 109(2) substituted (27.4.2022) by Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14), ss. 11(4), 17(2)</p>
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Premises for which amusement permits may be granted

110.—(1) The premises in which gaming by means of a gaming machine in accordance with Article 108 is authorised by an amusement permit shall be such premises as may be prescribed by regulations.

Changes to legislation: *The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, Cross*
Heading: Amusement permits is up to date with all changes known to be in force on or before 03 April 2024.
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(2) Subject to paragraph (3), a district council may pass any of the following resolutions, that is to say—

- (a) that the council will not grant an amusement permit in respect of premises of a class specified in the resolution;
- (b) that the council will not grant or renew an amusement permit in respect of premises of a class specified in the resolution;
- (c) that, where the council grants or renews an amusement permit in respect of any premises, or in respect of premises of a class specified in the resolution, it will grant or renew it subject to a condition limiting the number of gaming machines which may be made available for gaming on the premises so as not to exceed such number as may be specified in the resolution.

(3) A resolution under paragraph (2) shall not have effect in relation to the grant or renewal of permits in respect of premises used wholly or mainly for the provision of amusements by means of gaming machines.

Grant of amusement permits

111.—(1) An application for the grant of an amusement permit shall be made by the person who is, or by any person who proposes to be, the occupier of the premises for which the amusement permit is sought to the district council for the district in which those premises are situated and the applicant shall—

- [^{F2}(a) attach to the application such fee as is specified in paragraph (1B); and]
- (b) serve a copy of the application upon the sub-divisional commander of the police sub-division in which those premises are situated.

[^{F2}(1A) An application for the grant of an amusement permit shall be either—

- (a) for the grant of a permit for the purposes of Article 108(1)(c); or
- (b) for the grant of a permit for the purposes of Article 108(1)(ca).

(1B) The fee required under paragraph (1)(a) shall be—

- (a) where the application is for the grant of an amusement permit for the purposes of Article 108(1)(c), a fee of £32; or
- (b) where the application is for the grant of an amusement permit for the purposes of Article 108(1)(ca), such fee as may be fixed annually by the district council for the whole of its district, not exceeding—
 - (i) £250; or
 - (ii) the rate mentioned in paragraph (1C) whichever is the less.

(1C) The rate referred to in paragraph (1B)(b)(ii) is such rate as the district council reasonably considers necessary to balance its income and expenditure in connection with such amusement permits.]

(2) Subject to [^{F2} paragraphs (3) to (4B)], where an application is made for the grant of an amusement permit, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served,—

- (a) may grant the amusement permit; or
- (b) may refuse to grant the amusement permit.

[^{F2}(2A) Where a district council grants an amusement permit under paragraph (2), the council shall state in the permit whether it is granted for the purposes of Article 108(1)(c) or (ca).]

(3) A district council shall refuse an application for the grant of an amusement permit, unless it is satisfied—

- (a) in a case where there is in force a resolution passed by the council as mentioned in Article 110(2)(a) or (b) which is applicable to the premises to which the application relates, that the grant of the permit will not contravene that resolution; and
- (b) that the applicant is a fit person to hold an amusement permit; and
- (c) that the applicant will not allow the business proposed to be carried on under the amusement permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an amusement permit; and
- (d) ^{F3}

[^{F2}(e) that, where the application is for the grant of an amusement permit for the purposes of Article 108(1)(ca), the premises for which the permit is sought are premises used wholly or mainly for the provision of amusements by means of gaming machines.]

(4) Without prejudice to its power to refuse to grant an application for an amusement permit on any ground, a district council may refuse to grant an amusement permit in respect of premises, other than premises used wholly or mainly for the provision of amusements by means of gaming machines, if it is satisfied 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 gaming machines should be used for providing amusements on those premises.

[^{F2}(4A) Where an application for the grant of an amusement permit for the purposes of Article 108(1)(ca) is made in respect of premises about which the district council is satisfied as mentioned in paragraph (3)(e) and in respect of which the applicant holds an amusement permit expressed to be granted for the purposes of Article 108(1)(c), the district council may only refuse to grant the permit if it would have grounds for refusing an application to renew the existing permit.

(4B) Where an application for the grant of an amusement permit for the purposes of Article 108(1)(c) is made in respect of premises in respect of which the applicant holds an amusement permit expressed to be granted for the purposes of Article 108(1)(ca), the district council may only refuse to grant the permit if it would have grounds for refusing an application to renew the existing permit were it expressed to be granted for the purposes of Article 108(1)(c).]

(5) A district council shall grant the amusement permit subject to the condition—

- (a) that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character; and
- (b) where there is in force a resolution passed by a district council as mentioned in Article 110(2)(c) which is applicable to the premises to which an application for the grant of an amusement permit relates, that the number of gaming machines which may be made available for gaming on the premises shall not exceed such number (being a number not exceeding the number specified in the resolution) as the council may determine.

(6) A district council may grant the amusement permit, subject to the condition—

- (a) in the case of an amusement permit in respect of premises other than premises used wholly or mainly for the provision of amusements by means of gaming machines, that the number of gaming machines which may be made available for gaming on the premises shall not exceed such number as the council may determine;
- (b) in the case of an amusement permit in respect of premises used wholly or mainly for the provision of amusements,—
 - (i) that the premises are illuminated in the manner specified by the council; or
 - (ii) that advertising of, and window displays on, the premises are in the form specified by the council; or

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- (iii) that such notices are displayed and such information given on the premises as the council specifies in relation to any condition to which the amusement permit is subject.

[^{F2}(6A) Without prejudice to any condition in paragraph (5)(a) or (6)(b), where a district council grants an amusement permit for the purposes of Article 108(1)(ca), it shall be subject to the conditions—

- (a) in the case of premises where admission is restricted to persons aged 18 or over,—
 - (i) that no person under 18 is admitted to the premises; and
 - (ii) that at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18; 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 condition mentioned in [^{F4}Article 108(8)(d)] is 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 any 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.]

(7) The grant of an amusement permit shall not be invalidated by any failure to comply with paragraph (3)(a) or (5)(b) and no duty of a district council to comply with paragraph (3)(a) or (5)(b) shall be enforceable by legal proceedings.

(8) The Department may, by order subject to affirmative resolution, substitute for the fee specified in [^{F2} paragraph (1B)(a) or (b)(i)] such other fee as may be specified in the order.

F2 2004 NI 1

F3 Art. 111(3)(d) repealed (15.11.2010) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (with art. 62); S.R. 2010/328, **art. 2**

F4 Words in art. 111(6A)(b)(i) substituted (27.4.2022) by Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022 (c. 14), **ss. 8(8)**, 17(2)

Grant of amusement permit conditional on alterations being made in premises

112.—(1) A district council which grants an amusement permit in respect of premises used wholly or mainly for the provision of amusements may grant the amusement permit subject to the condition that, within a period fixed by the council the holder of the amusement permit—

- (a) shall make such alterations in the premises as the council may specify, being alterations which the council thinks necessary to ensure that the lay-out, character or condition (including the provision in the premises of adequate sanitary appliances and things used in connection with such appliances) of the premises is suitable for use as premises in which amusements by way of gaming machines are provided; and

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- (b) shall deposit with the district council a plan of the premises showing the alterations so specified.
- (2) Notice of any alteration required under paragraph (1) shall be served by the district council on the owner of the premises.
- (3) The period fixed by a district council under paragraph (1) may be extended by the council on the application of the holder of the amusement permit.
- (4) An amusement permit granted conditionally under this Article shall, unless cancelled, remain in force from the date on which it is granted until the expiration of the period fixed by the district council under paragraph (1) or any extended period and the district council shall note the date of that expiration on the amusement permit.
- (5) A district council, on the application of the holder of an amusement permit, shall declare the grant of an amusement permit to be unconditional, if it is satisfied that alterations to the premises have been completed in accordance with the plans deposited with the district council under paragraph (1) (b) and the council shall amend the amusement permit accordingly.

Provisional grant of amusement permits

113.—(1) Where premises used wholly or mainly for the provision of amusements are about to be constructed, altered or extended or are in the course of construction, alteration or extension, an application may be made by the person who proposes to be the occupier of the premises to the district council for the district in which the premises are or are to be situated for the provisional grant of an amusement permit for those premises.

(2) For the purposes of the provisional grant of an amusement permit Article 111 shall have effect as if—

- (a) any reference to the grant of an amusement permit were a reference to the provisional grant of such a permit; and
- (b) where the application relates to premises about to be constructed or in the course of construction, any reference to the premises for which an amusement permit is sought were a reference to the proposed premises ^{F5}. . . .

(3) An amusement permit which is provisionally granted shall not authorise gaming by means of a gaming machine in accordance with the conditions specified in Article 108 until the grant of the amusement permit is declared final.

(4) Where an amusement permit has been granted provisionally for any premises, a district council, on the application of the holder of the amusement permit, shall, subject to paragraph (5), declare the grant of the amusement permit final, if it is satisfied that the premises have been completed ^{F6}. . . .

(5) A district council shall not entertain an application made under paragraph (4) after the expiration of 2 years from the date on which the amusement permit was granted provisionally, unless the applicant satisfies the council that there were reasonable grounds for the failure to complete the construction, alteration or extension of the premises within that period.

(6) Where the provisional grant of an amusement permit is declared final, the district council shall note the declaration on the permit.

F5 Words in art. 113(2)(b) repealed (15.11.2010) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(2), [Sch. 4](#) (with art. 62); S.R. 2010/328, [art. 2](#)

F6 Words in art. 113(4) repealed (15.11.2010) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(2), [Sch. 4](#) (with art. 62); S.R. 2010/328, [art. 2](#)

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Form and duration of amusement permits

114.—(1) An amusement permit shall be in such form as may be prescribed by regulations and shall specify—

- (a) the name and address of the holder of the permit;
- (b) the address of premises for which it is granted;
- (c) the kind of premises;
- (d) the name and address of the owner of the premises;
- (e) such other matters as may be so prescribed.

(2) Subject to Article 112(4) and to the succeeding provisions of this Article, an amusement permit shall, unless cancelled, remain in force from the date on which it is granted until the expiration of a period of 12 months beginning with the first day of the month in which it is granted.

(3) Where a district council grants an amusement permit subject to a condition specified in Article 111(6) and the applicant for the grant appeals against the imposition of the condition—

- (a) until the expiry of the time for bringing an appeal and, if an appeal is brought, until the appeal is disposed of or abandoned, the permit granted shall not come into force;
- (b) if on appeal the condition is confirmed or varied or if the appeal is abandoned, for the purpose of determining the period for which the permit is to be in force the date when the appeal is disposed of or abandoned shall be substituted for the date on which the permit was granted and the district council shall (if necessary) amend the permit accordingly.

(4) Where an amusement permit granted conditionally is at any time declared unconditional paragraph (2) shall apply as if the permit were granted at that time.

(5) Where an amusement permit granted provisionally is at any time declared final paragraphs (2) and (3) shall apply as if the permit were granted at that time.

(6) Paragraph (2) shall not prejudice the operation of Article 116 under which an amusement permit may continue in force after the time when it would otherwise expire.

(7) Where at any time—

- (a) the holder of an amusement permit dies or is adjudged bankrupt, or his business becomes vested in the official assignee (whether before or after his death) without his being so adjudged ^{F7}... or a receiver of his property or a committee or guardian is appointed with power to manage the business; or
- (b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;

except for the purposes of the renewal of the amusement permit, the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, ^{F8}... receiver, committee, guardian or liquidator shall be deemed to be the holder of the amusement permit and—

- (i) subject to sub-paragraph (ii), the amusement permit shall, where it would otherwise expire under this Article or under Article 117 continue in force until the end of a period of 6 months from that time, unless cancelled;
- (ii) a district council may, on the application of the person deemed to be the holder of the amusement permit, extend the period for which that permit continues to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.

(8) Where the holder of an amusement permit dies and he has no personal representative or his personal representative is unwilling or unable to act, the permit shall, unless cancelled, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the business carried on under the permit until—

- (a) the expiration of a period of 2 months from the date of his death, or
- (b) paragraph (7) becomes applicable by reason of the appointment of a personal representative,

whichever first occurs.

(9) The authority conferred on any person by virtue of paragraph (7) or (8) to carry on a business under an amusement permit shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on that business unless during that period he has served notice that he is carrying on the business by virtue of that paragraph (and, if he is carrying it on by virtue of paragraph (7), the capacity in which he is doing so) upon—

- (a) the district council for the district, and
- (b) the sub-divisional commander of the police sub-division,

in which the premises in which the business authorised by the amusement permit is conducted are situated; but the authority, if so suspended, shall revive upon the service of such a notice.

[^{F9}(10) Where an application for the grant of an amusement permit for the purposes of Article 108(1)(ca) is made in respect of premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of Article 108(1)(c), that permit shall remain in force, notwithstanding the expiration of the period of 12 months beginning with the first day of the month on which it was granted, until the district council grants or refuses to grant an amusement permit for the purposes of Article 108(1)(ca) in respect of those premises.

(11) Where an application for the grant of an amusement permit for the purposes of Article 108(1)(ca) is made in respect of premises in respect of which the applicant holds an amusement permit expressed to be granted for the purposes of Article 108(1)(c), that permit shall cease to have effect on the grant in respect of the premises to which the permit relates of an amusement permit expressed to be granted for the purposes of Article 108(1)(ca).

(12) Where an application for the grant of an amusement permit for the purposes of Article 108(1)(c) is made in respect of premises in respect of which the applicant holds an amusement permit expressed to be granted for the purposes of Article 108(1)(ca), that permit shall cease to have effect on the grant in respect of the premises to which the permit relates of an amusement permit expressed to be granted for the purposes of Article 108(1)(c).]

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| F7 | Words in art. 114(7)(a) repealed (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 28(2), Sch. 4 ; S.R. 2016/203, art. 2 |
| F8 | Words in art. 114(7) repealed (1.4.2016) by Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), s. 28(2), Sch. 4 ; S.R. 2016/203, art. 2 |
| F9 | 2004 NI 1 |

Renewal of amusement permits

115.—(1) An application for the renewal of an amusement permit in respect of any premises shall be made to the district council for the district in which the premises are situated and the applicant shall—

- [^{F10}(a) attach to the application such fee as is specified in paragraph (1A); and]
- (b) serve a copy of the application upon the sub-divisional commander of the police sub-division in which the premises are situated.

[^{F10}(1A) The fee required under paragraph (1)(a) shall be—

- (a) where the application is for the renewal of an amusement permit expressed to be granted for the purposes of Article 108(1)(c), a fee of £32; or

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- (b) where the application is for the renewal of an amusement permit expressed to be granted for the purposes of Article 108(1)(ca), such fee as may be fixed annually by the district council for the whole of its district not exceeding—

- (i) £250; or
- (ii) the rate mentioned in paragraph (1B) whichever is the less.

(1B) The rate referred to in paragraph (1A)(b)(ii) is such rate as the district council reasonably considers necessary to balance its income and expenditure in connection with such amusement permits.]

(2) Subject to paragraphs (3) and (4), where application is made for the renewal of an amusement permit in respect of premises other than premises used wholly or mainly for the provision of amusements, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served,—

- (a) may renew the amusement permit; or
- (b) may refuse to renew the amusement permit.

(3) A district council shall refuse an application for the renewal of an amusement permit in respect of premises other than premises used wholly or mainly for the provision of amusements unless it is satisfied—

- (a) in a case where there is in force a resolution passed by the council as mentioned in Article 110(2)(b) which is applicable to the premises to which the application relates, that the renewal of the permit will not contravene that resolution; and
- (b) that the applicant is a fit person to hold an amusement permit; and
- (c) that the applicant has not allowed the business carried on under the amusement permit to be managed by, or carried on for the benefit of, a person other than the applicant, who would himself be refused the grant of an amusement permit; and
- (d) ^{F11}

(4) Without prejudice to its power to refuse to renew an application for an amusement permit on any ground, a district council may refuse to renew an amusement permit in respect of premises, other than premises used wholly or mainly for the provision of amusements, if it is satisfied—

- (a) 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 gaming machines should be used for providing amusements on those premises; or
- (b) that, since the last previous renewal of the permit (or, where the renewal applied for is the first renewal of the permit, since the permit was granted), the premises have been used for an unlawful purpose or as a resort of persons of known bad character.

(5) Where application is made for the renewal of an amusement permit in respect of premises used wholly or mainly for the provision of amusements, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served, shall renew the permit unless it is satisfied—

- (a) that the applicant is not a fit person to hold an amusement permit; or
- (b) that the applicant has allowed the business carried on under the amusement permit to be managed by, or carried on for the benefit of, a person other than the applicant, who would himself be refused the grant of an amusement permit; or
- (c) ^{F12}
- (d) that^{F10}, while the amusement permit has been in force,] the council has been refused reasonable facilities to inspect the premises; or

- [^{F10}(da) that, where the amusement permit is expressed to be granted for the purposes of Article 108(1)(ca), either of the conditions specified in Article 111(6A)(a) or, as the case may be, any of the conditions specified in Article 111(6A)(b) has not been complied with to the satisfaction of the council; or]
- (e) that, having regard to the conditions or manner in which gaming machines have been used on the premises, or any other amusements have been provided or conducted on the premises since the permit was granted it is undesirable that gaming machines should be used for providing amusements on those premises; or
- (f) that, since the last previous renewal of the permit (or, where the renewal applied for is the first renewal of the permit, since the permit was granted), the premises have been used for an unlawful purpose or as a resort of persons of known bad character.
- (6) A district council shall renew the amusement permit subject to the condition—
- (a) that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character; and
- (b) where there is in force a resolution passed by a district council as mentioned in Article 110(2)(c) which is applicable to the premises to which an application for the renewal of an amusement permit relates, that the number of gaming machines which may be made available for gaming on the premises shall not exceed such number (being a number not exceeding the number specified in the resolution) as the council may determine.
- (7) A district council may renew the amusement permit, subject to the condition—
- (a) in the case of an amusement permit in respect of premises other than premises used wholly or mainly for the provision of amusements by means of gaming machines, that the number of gaming machines which may be made available for gaming on the premises shall not exceed such number as the council may determine;
- (b) in the case of an amusement permit in respect of premises used wholly or mainly for the provision of amusements—
- (i) that the premises are illuminated in the manner specified by the council; or
- (ii) that advertising of, and window displays on, the premises are in the form specified by the council; or
- (iii) that such notices are displayed and such information given on the premises as the council specifies in relation to any condition to which the amusement permit is subject.
- [^{F10}(7A) Without prejudice to any condition in paragraph (6)(a) or (7)(b), a district council shall renew an amusement permit expressed to be granted for the purposes of Article 108(1)(ca) subject to the conditions—
- (a) in the case of premises where admission is restricted to persons aged 18 or over—
- (i) that no person under 18 is admitted to the premises; and
- (ii) that at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18; 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 condition mentioned in [^{F13}Article 108(8)(d)] is 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;

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- (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 any 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.]

(8) The renewal of an amusement permit shall not be invalidated by any failure to comply with paragraph (3)(a) or (6)(b), and no duty of a district council to comply with paragraph (3)(a) or (6)(b) shall be enforceable by legal proceedings.

(9) The Department may, by order subject to affirmative resolution, substitute for^{F10} the fee specified in paragraph (1A)(a) or (b)(i) such other fee as may be specified in the order].

F10 2004 NI 1

F11 Art. 115(3)(d) repealed (15.11.2010) by [Fire and Rescue Services \(Northern Ireland\) Order 2006](#) (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), [Sch. 4](#) (with art. 62); S.R. 2010/328, [art. 2](#)

F12 Art. 115(5)(c) repealed (15.11.2010) by [Fire and Rescue Services \(Northern Ireland\) Order 2006](#) (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), [Sch. 4](#) (with art. 62); S.R. 2010/328, [art. 2](#)

F13 Words in art. 115(7A)(b)(i) substituted (27.4.2022) by [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 14), [ss. 8\(8\)](#), 17(2)

Continuance of amusement permits pending determination of appeal

116. Where a district council refuses to renew an amusement permit and the holder of the permit appeals the amusement permit shall, unless it is cancelled, continue in force until the appeal is determined or abandoned.

Duration of renewed amusement permits

117.—(1) Subject to paragraph (2), on the renewal of an amusement permit, it shall, unless cancelled, remain in force until the expiration of a period of 12 months beginning with the day when it would, if it had not been renewed, otherwise have expired.

(2) Paragraph (1) shall not prejudice the operation of^{F14} Articles 114(7), (8) and (10)] and 116 under which an amusement permit may continue in force after the time when it would otherwise expire.

(3) Where, in the case of an amusement permit which is not subject to a condition specified in Article 111(6), the district council renews that permit subject to a condition specified in Article 115(7) and the holder of the permit appeals against the imposition of the condition, the condition shall not take effect until the appeal is determined or abandoned.

F14 2004 NI 1

Certain amusement premises to close at certain hours

118.—(1) A district council may require premises used wholly or mainly for the provision of amusements situated in its district for which an amusement permit is in force to close at such hour in the evening as the council may determine not being earlier than half past 10.

(2) A district council shall not impose a requirement under paragraph (1) unless—

Changes to legislation: *The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, Cross Heading: Amusement permits is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) it is satisfied that the premises have been conducted in such a manner as to cause disturbance to persons residing in the vicinity of the premises; and
 - (b) it has consulted the sub-divisional commander of the police sub-division in which the premises are situated.
- (3) Where a district council imposes a requirement under paragraph (1) it may revoke that requirement at any time.
- (4) Where a district council imposes a requirement under paragraph (1) and the holder of the amusement permit appeals the requirement shall not take effect until the appeal is determined or abandoned.

Appeals in relation to amusement permits

119.—(1) Not less than 14 days before a district council—

- (a) refuses to grant, or renew, an amusement permit; or
- (b) grants an amusement permit subject to a condition specified in Article 111(6) or renews an amusement permit subject to a condition specified in Article 115(7); or
- (c) imposes a requirement under Article 118;

the council shall serve notice of its intention to so refuse, grant, renew or impose the requirement on the applicant or, as the case may be, the holder of the amusement permit.

(2) Every such notice shall state the grounds on which the district council intends to so refuse, grant, renew or impose the requirement under Article 118 and shall contain an intimation that if, within 14 days after the service of the notice, the applicant or, as the case may be, the holder of the amusement permit informs the council in writing of his desire to show cause, in person or by a representative, why the application should not be refused or granted or renewed subject to a condition or the requirement not imposed, as the case may require, the council shall, before so refusing, granting, renewing or imposing the requirement, afford him an opportunity to do so.

(3) If the district council, after giving the applicant or, as the case may be, the holder of the amusement permit an opportunity of being heard by it, decides to refuse the application or to grant or renew the application subject to a condition or to impose a requirement under Article 118, it shall serve notice of the decision on the applicant or, as the case may be, the holder of the amusement permit, and such notice shall inform him of his right to appeal under paragraph (4) and of the time within which the appeal may be brought.

(4) A person aggrieved by a decision refusing an application for the grant or renewal of an amusement permit, or granting such an application subject to a condition specified in Article 111(6), or renewing such an application subject to a condition specified in Article 115(7) or imposing a requirement under Article 118 may, within 21 days from the date on which notice of the decision is served on him, appeal to the county court.

(5) The decision of a county court on an appeal brought under paragraph (4) shall be final, and the district council shall give effect to that decision.

Offences in connection with amusement permits

120.—(1) Where a condition to which an amusement permit is subject is contravened or a requirement imposed under Article 118 is contravened the holder of the amusement permit shall be guilty of an offence.

(2) In any proceedings for an offence under paragraph (1), it shall be a defence for the holder of the amusement permit to prove—

- (a) that the contravention occurred without his knowledge, and

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- (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.

Cancellation of amusement permit by a court

121.—(1) Where the holder of an amusement permit is convicted of—

- (a) an offence under Article 120; or
- (b) any offence involving fraud or dishonesty;

the court by which he is convicted may cancel the permit.

(2) The cancellation of a permit under paragraph (1) shall not take effect—

- (a) until the end of the period within which the holder of the amusement permit can appeal against his conviction or against the cancellation, and
- (b) if he so appeals, until the appeal has been determined or abandoned.

(3) An amusement permit which has been cancelled by a court shall be void.

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Changes and effects yet to be applied to :

- Instrument applied by [1997 c. 16 s.15\(3\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act applied by [1997 c. 16 s.15\(3\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 172A and cross-heading inserted by [2022 c. 14 \(N.I.\) s. 15\(1\)](#)
- art. 186(3A) inserted by [2022 c. 14 \(N.I.\) s. 15\(2\)\(a\)](#)