
STATUTORY INSTRUMENTS

2004 No. 310

The Betting and Gaming (Northern Ireland) Order 2004

Amusement permits

- 10.—**(1) In Article 108 of the principal Order (use of gaming machines on other premises)—
- (a) in paragraph (1), for sub-paragraph (c) there shall be substituted—
 - “(c) on any premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of this sub-paragraph;
 - (ca) on any premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of this sub-paragraph.”;
 - (b) in paragraph (6) for “£0.30” there shall be substituted—
 - “—
 - (a) £0.30 in respect of a gaming machine where the condition specified in paragraph (7) applies; or
 - (b) £0.30 in respect of a gaming machine where the condition specified in paragraph (8) applies.”;
 - (c) in paragraph (7), after “(8),” there shall be inserted “(8A),”;
 - (d) after paragraph (8) there shall be inserted—
 - “(8A) In the case of premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of paragraph (1)(ca), in addition to the condition specified in paragraph (7), paragraph (8) shall apply in respect of any 1 game played by means of a gaming machine installed on such premises.”;
 - (e) in paragraph (11)(a), for “or (c)” there shall be substituted “, (c) or (ca)”.
- (2) In Article 111 of the principal Order (grant of amusement permits)—
- (a) in paragraph (1), for sub-paragraph (a) there shall be substituted—
 - “(a) attach to the application such fee as is specified in paragraph (1B); and”;
 - (b) after paragraph (1) there shall be inserted—
 - “(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.”;

(c) in paragraph (2), for “paragraphs (3) and (4)” there shall be substituted “paragraphs (3) to (4B)”;

(d) after paragraph (2) there shall be inserted—

“(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).”;

(e) in paragraph (3) after sub-paragraph (d) there shall be added—

“; and

(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.”;

(f) after paragraph (4) there shall be inserted—

“(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).”;

(g) after paragraph (6) there shall be inserted—

“(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 Article 108(8) 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.”;
- (h) in paragraph (8), for “paragraph (1)(a)” there shall be substituted “paragraph (1B)(a) or (b)(i)”.
- (3) At the end of Article 114 of the principal Order (form and duration of amusement permits) there shall be added—
 - “(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).”.
- (4) In Article 115 of the principal Order (renewal of amusement permits)—
 - (a) in paragraph (1), for sub-paragraph (a) there shall be substituted—
 - “(a) attach to the application such fee as is specified in paragraph (1A); and”;
 - (b) after paragraph (1) there shall be inserted—
 - “(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
 - (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.”;
 - (c) in paragraph (5)—

- (i) in sub-paragraph (d), after “that” there shall be inserted “, while the amusement permit has been in force.”;
- (ii) after sub-paragraph (d) there shall be inserted—
 - “(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”;
- (d) after paragraph (7) there shall be inserted—
 - “(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 Article 108(8) 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.”;
 - (e) in paragraph (9), for from “the fees specified” to the end there shall be substituted “the fee specified in paragraph (1A)(a) or (b)(i) such other fee as may be specified in the order”.
 - (5) In Article 117(2) of the principal Order (duration of renewed amusement permits), for “Articles 114(7) and (8)” there shall be substituted “Articles 114(7), (8) and (10)”.
 - (6) Any amusement permit which is in force on the coming into operation of this Article shall be treated for the purposes of the principal Order as one which is expressed to be granted for the purposes of Article 108(1)(c) of that Order; (and in this paragraph “amusement permit” has the same meaning as in Article 2 of the principal Order).