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STATUTORY INSTRUMENTS

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**2004 No. 310 (N.I. 1)**

**The Betting and Gaming (Northern Ireland) Order 2004**

- - - - - 11th February 2004

**Title and commencement** **N.I.**

1.—(1) This Order may be cited as the Betting and Gaming (Northern Ireland) Order 2004.

(2) This Article and Article 2 shall come into operation on the expiration of 7 days from the day on which this Order is made.

(3) The following provisions shall come into operation on the expiration of 14 days from the day on which this Order is made—

- (a) Article 3;
- (b) Article 4 (together with Schedule 1);
- (c) Article 11;
- (d) Article 12(1) and (2); and
- (e) in Schedule 4, the entries relating to Articles 3(1D)(a), 36(3), 48(1), 86(8) and 130 of the principal Order, and Article 12(3) so far as relating thereto.

(4) The following provisions shall come into operation on such day or days as the Department for Social Development may by order appoint<sup>F1</sup>

- (a) Article 5(1) (together with Schedules 2 and 3);
- (b) Article 6;
- (c) Articles 8 to 10; and
- (d) in Schedule 4, the entries relating to Articles 32, 107, 174(3)(a), 178(2) and 186(1) of the principal Order, and Article 12(3) so far as relating thereto.

(5) The remaining provisions of this Order shall come into operation on the expiration of three months from the day on which this Order is made.

<b>F1</b> Partly exercised by SRs 2004/256, 352, 423
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**Interpretation** **N.I.**

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order “the principal Order” means the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11).

### **Football pools** **N.I.**

3.—(1) In Article 3 of the principal Order (restriction on use of premises for betting transactions)

- (a) in paragraph (1A)(a) (restriction not to apply to premises where coupons or entry forms for qualifying competitions promoted by a registered pool promoter are delivered) after “post” there shall be inserted “and any of such other means as may be prescribed by regulations”;
- (b) in paragraph (1D)(a) (which defines “qualifying competition” so as to require that forecasts in the competition are made on football games played on a Saturday, Sunday or bank holiday), the words from “to be played” to “1971” shall be omitted.

(2) In Article 44(3) of the principal Order (restriction on pool betting not to apply to a registered pool promoter) after “post” there shall be inserted “and any of such other means as may be prescribed by regulations”.

### **Betting on tracks** **N.I.**

4.—(1) In Article 3 of the principal Order (restriction on use of premises for betting transactions)

- (a) in paragraph (3) at the beginning there shall be inserted “ Subject to paragraph (3A), ”;
- (b) after paragraph (3) there shall be inserted—
  - “(3A) In the case of a licensed track, paragraph (3) shall not apply in relation to the use of a permanent structure by a licensed bookmaker for the purposes of his business if—
    - (a) the use takes place on a day on which the public are admitted to the track for the purpose of attending horse or, as the case may be, dog racing and no other sporting events are taking place; and
    - (b) no betting transactions in connection with races run on the track are effected in the course of the use.”

(2) In Article 36 of the principal Order (restriction of bookmaking and pool betting on tracks) paragraph (3) shall be omitted.

(3) After Article 46(3) of the principal Order (charges to bookmakers on licensed tracks) there shall be added—

“(4) In paragraph (2) the reference to facilities shall be construed as a reference to facilities other than in relation to a permanent structure.”

(4) In Article 48(1) of the principal Order (restriction on betting on tracks on certain days) the words “any Sunday,” shall be omitted.

(5) After Article 49(3) of the principal Order (occupiers of licensed tracks not to have an interest in bookmaking on the track) there shall be added—

“(4) Paragraph (1) shall only apply in relation to bookmaking in connection with races run on that track.”

(6) After Article 53 of the principal Order there shall be inserted—

#### **“Rights of betting workers as respects Sunday working**

**53A.** Schedule 8A shall have effect for the purpose of making provision about the rights of betting workers as respects Sunday working.

### **Exclusion of Sunday Observance Act (Ireland) 1695**

**53B.** The Sunday Observance Act (Ireland) 1695 does not apply to any person by reason of his having effected a betting transaction on a non-sporting event at a track which is open on a Sunday and on which betting is taking place.”

*Para. (7)—Amendments*

### **Bookmaking office licences** **N.I.**

*Para. (1)—Amendments*

(2) In Article 12 of the principal Order (grant of bookmaking office licences) paragraph (4)(i) shall be omitted.

### **Conduct of licensed offices** **N.I.**

**6.** In Article 32 of the principal Order (conduct of licensed offices)—

- (a) paragraphs (2) and (4A)(a) shall be omitted;
- (b) in paragraph (5) at the beginning there shall be inserted “ Subject to paragraph (6) and Article 95(1)(b), ”;
- (c) for paragraph (6) there shall be substituted—

“(6) A licensed office may be used as a place where persons may collect amounts payable by way of winnings in respect of competitions of the kind mentioned in Article 3(1A)(a).” ;
- (d) in paragraph (11) after “other than” there shall be inserted “ an advertisement published in a material form or ”;
- (e) in paragraph (12)—
  - (i) after “if” there shall be inserted “ it is published otherwise than in a material form and ”;
  - (ii) sub-paragraph (b)(iii) shall be omitted;
- (f) paragraph (14)(b) shall be omitted.

### **Registration of clubs** **N.I.**

**7.—(1)** In Article 96(4)(c) of the principal Order (registration of clubs) for “2 years or, if it is a sporting club,” there shall be substituted “ not less than ”.

(2) In paragraph 1(a) of Schedule 13 to the principal Order (applications for registration of clubs) for the words from “than” to “years” there shall be substituted “ than 1 year ”.

### **Gaming machines** **N.I.**

**8.—(1)** In Article 107 of the principal Order (gaming machines restricted from certain premises)

- (a) in paragraph (1)—
  - (i) after “1996” there shall be inserted “ or a licensed office ”;
  - (ii) “, as the case may be,” shall be omitted;
  - (iii) after “licensed premises” there shall be inserted “ or, as the case may be, the licensed office ”;
- (b) in paragraph (4)—

- (i) “, as the case may be,” shall be omitted;
- (ii) for “in respect of the premises” there shall be substituted “ or the licensed bookmaker, as the case may require ”;
- (c) after paragraph (5)(b) there shall be inserted—
  - “and
  - (c) in the case of a licensed office, on the application of the licensed bookmaker,” ;
- (d) in paragraph (8) at the end there shall be added—
  - “and
  - (c) in the case of a licensed office, on the bookmaking office licence.” .
- (2) In Article 108 of the principal Order (use of gaming machines on other premises)—
  - (a) after paragraph (1)(b) there shall be inserted—
    - “(ba) on any licensed office;” ;
  - (b) after paragraph (4) there shall be inserted—
    - “(4A) Not more than 2 gaming machines (or such other number as the Department may specify, by order subject to affirmative resolution) shall be made available for gaming on any licensed office.” ;
  - (c) in paragraph (7)—
    - (i) after “paragraphs” there shall be inserted “ (7A), ”;
    - (ii) in sub-paragraph (a) for “£5” there shall be substituted “ £8 ”;
    - (iii) for sub-paragraph (c) there shall be substituted—
      - “(c) a money prize together with a non-monetary prize of an aggregate value not exceeding £8 or a token or tokens exchangeable only for such a combination of a money prize and a non-monetary prize.” ;
  - (d) after paragraph (7) there shall be inserted—
    - “(7A) In the case of bingo club premises, 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 (8)—
    - (i) after “(b)” there shall be inserted “ or on any licensed office ”;
    - (ii) after “money prize” there shall be inserted “ delivered by the machine of an amount ”;
  - (f) in paragraph (9)(a) for the words from “£5” onwards there shall be substituted “ £8 or, in relation to a machine to which paragraph (8) applies, a money prize or money prizes of an amount or aggregate amount not exceeding £25 delivered by the machine; ”;
  - (g) in paragraph (11)(a)—
    - (i) after “(b)” there shall be inserted “ , (ba) ”;
    - (ii) after “liquor or” there shall be inserted “ the licensed bookmaker or ”.

### **Supplementary provisions with respect to use of gaming machines in licensed offices** N.I.

**9.**—(1) In Article 8(6) of the principal Order (power to refuse grant of a bookmaker's licence if applicant has been convicted of certain offences) after “this Part” there shall be inserted “ or Chapter III of Part III ”.

(2) In Article 12(6)(b) of the principal Order (power to refuse grant of a bookmaking office licence if applicant has been convicted of certain offences) after “this Part” there shall be inserted “ or Chapter III of Part III ”.

(3) In Article 17(4) of the principal Order (power to refuse renewal of a bookmaker's licence if applicant has been convicted of certain offences) after “this Part” there shall be inserted “ or Chapter III of Part III ”.

(4) In Article 19(4)(c) of the principal Order (power to refuse renewal of a bookmaking office licence if a person has been convicted of certain offences in connection with the licensed office) after “it, or” there shall be inserted “ of Chapter III of Part III, or any regulations made under it, or ”.

(5) In Article 23(8)(b) of the principal Order (power to refuse transfer of a bookmaking office licence if applicant has been convicted of certain offences) after “this Part” there shall be inserted “ or Chapter III of Part III ”.

(6) In Article 27(1)(e) of the principal Order (power to revoke a bookmaker's licence if the holder has been convicted of certain offences) after “this Part” there shall be inserted “ or Chapter III of Part III ”.

(7) In Article 28(1)(b) of the principal Order (power to revoke a bookmaking office licence if a person has been convicted of certain offences in connection with the licensed office) after “it, or” there shall be inserted “ of Chapter III of Part III, or any regulations made under it, or ”.

(8) In Article 53(1)(a) of the principal Order (disqualification of licensed bookmaker on conviction of certain offences) after “Part” there shall be inserted “ or Chapter III of Part III ”.

(9) After Article 174(2)(f) of the principal Order (register of licences, certificates and permits) there shall be inserted—

“(fa) particulars of any declaration made in respect of a licensed office under Article 107 and any cancellation of any such declaration;”.

(10) In Article 182(2) of the principal Order (forfeiture of gaming machines as statutory consequence of conviction)—

(a) in sub-paragraph (b)—

(i) after “1996” in the first place where it occurs there shall be inserted “ , a licensed office ”;

(ii) after “1996” in the second place where it occurs there shall be inserted “ , the licensed bookmaker ”;

(b) after “1996” in the third place where it occurs there shall be inserted “ , the bookmaking office licence ”.

### **Amusement permits** **N.I.**

**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).

#### **Advertisement of bingo** **N.I.**

**11.** In Article 130 of the principal Order (restrictions on advertisements relating to gaming)—

(a) in paragraph (2) at the end there shall be added—

“or

(e) gaming in the form of playing bingo.” ;

(b) for paragraph (3) there shall be substituted—

“(3) Paragraph (1) does not apply to the publication or display of a notice, where the notice is required to be published or displayed by any provision of Schedules 9 to 14 and the publication or display is so made as to comply with the requirements of that provision.” ;

(c) paragraphs (4) and (7) shall be omitted.

#### **Minor amendments and repeals** **N.I.**

**12.—**(1) In Article 86(8) of the principal Order (form and duration of new gaming machine certificates and permits), the words “or permit” in the first place where they occur shall be omitted.

(2) In Article 161(5) of the principal Order (renewal of pleasure permits) for “in paragraph (2)” there shall be substituted “ in paragraph (1) ”.

*Para. (3)—Repeals*

**Changes to legislation:** There are currently no known outstanding effects for the The Betting and Gaming (Northern Ireland) Order 2004. (See end of Document for details)

## SCHEDULES

N.I.

*Schedule 1—Amendments*

N.I.

*Schedule 2—Amendments*

N.I.

*Schedule 3—Transitional Provisions relating to Schedule 2*

N.I.

*Schedule 4—Repeals*

**Changes to legislation:**

There are currently no known outstanding effects for the The Betting and Gaming (Northern Ireland) Order 2004.