

SCHEDULES

SCHEDULE 11

Section 53.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS OF BETTING, GAMING AND LOTTERIES ACT 1963

<i>Section of Act</i>	<i>Amendment</i>
Section 40	For the words " this Part of this Act " there shall be substituted the words " the Gaming Act 1968 ", and for the words " section 35 of this Act " there shall be substituted the words " section 6 of that Act ".
Section 41	After the word " lotteries " there shall be inserted the words " which do not constitute gaming ".
Section 42	In subsection (2)(b), for the words from " was also " onwards there shall be substituted the words " was not promoted wholly or partly outside Great Britain and constituted gaming as well as a lottery ".
Section 48	<p>From the words from the beginning of subsection (1) to the words " but for this subsection ' in subsection (2) there shall be substituted the following:—</p> <p>“(1) This section applies to the provision, at any entertainment to which section 43 of this Act applies, of any amusement with prizes which constitutes a lottery or gaming or both but does not constitute—</p> <p>(a) gaming to which Part II of the Gaming Act 1968 applies, or</p> <p>(b) gaming by means of a machine to which Part III of that Act applies.</p> <p>(2) Where any such amusement constitutes a lottery, nothing in</p>

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<i>Section of Act</i>	<i>Amendment</i>
Section 49	<p>section 41 or section 42 of this Act shall apply to it.</p> <p>(3) In relation to any such amusement (whether it constitutes a lottery or not).”</p> <p>In subsection (3)(b), for the word "subsection " there shall be substituted the word " section ", and for the words " section 37 of this Act" there shall be substituted the words " section 33 or section 41 of the Gaming Act 1968 ".</p> <p>In subsection (1), for the words from the beginning of paragraph (a) to " (b) " there shall be substituted the words " where those amusements constitute a lottery or gaming or both but do not constitute gaming to which Part II of the Gaming Act 1968 applies or gaming by means of a machine to which Part III of that Act applies, and they are provided—</p> <p>(a) on any premises in respect of which a permit under this section has been granted in accordance with Schedule 6 to this Act and is for the time being in force, or</p> <p>(b) on any premises used mainly for the purposes of amusements by means of such machines, being premises in respect of which a permit granted under section 34 of the Gaming Act 1968 is for the time being in force, or</p> <p>(c)</p> <p>In subsection (2), for the words from the beginning of the subsection to the words " but for this subsection" there shall be substituted the following:—</p> <p style="padding-left: 40px;">“(2) Nothing in section 41 or section 42 of this Act shall apply in relation to amusements falling within subsection (1) of this section; but in relation to any such amusement”.</p> <p>In subsection (3)(e), for the words " subsection (1)(b)" there shall be substituted the words " subsection (1)(c) ".</p> <p>After subsection (3) there shall be inserted the following subsections:—</p>

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<i>Section of Act</i>	<i>Amendment</i>
Section 54	<p>“(3A) The court by or before which the holder of a permit under this section is convicted of an offence under this section in connection with the premises to which the permit relates may, if the court thinks fit, order that the permit shall be forfeited and cancelled: and subsections (2) and (3) of section 11 of this Act shall apply to an order under this subsection as they apply to an order under subsection (1) of that section.</p> <p>(3B) No permit under this section shall be granted in respect of any premises where a licence under the Gaming Act 1968 is for the time being in force in respect of them or where a club or a miners' welfare institute is for the time being registered in respect of them under Part II of that Act; and, where such a licence is granted or a club or a miners' welfare institute is so registered in respect of any premises, and a permit under this section is then in force in respect of those premises, the permit shall thereupon cease to have effect.</p> <p>(3C) The Secretary of State may by order direct that any provision of this section which is specified in the order and which specifies a sum shall have effect as if, for that sum, there were substituted such other sum as may be specified in the order.</p> <p>(3D) Any power to make an order under this section shall include power to vary or revoke the order by a subsequent order, and shall be exercisable by statutory instrument; and any statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.”</p> <p>In subsection (1), for the words " section 33, 37, 43 or 48 of this Act" there shall be substituted the words " section 43 or section 48 of this Act or section 33 or section 41 of the Gaming Act 1968 ".</p>

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<i>Section of Act</i>	<i>Amendment</i>
Section 55	<p>In subsection (2), for the words " the said sections 33, 37 and 48 " there shall be substituted the words " section 48 of this Act or section 33 or section 41 of that Act "; for the words " gaming machine within the meaning of the said section 33" there shall be substituted the words " machine to which Part III of that Act applies "; and for the words " the said section 37 or 48 " there shall be substituted the words " any of those sections ".</p> <p>In subsection (1), after the definition of " approved horse racecourse " there shall be inserted the following definition, namely, " ' bet' does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming ", and for the definitions of " game of chance " and " gaming " there shall be substituted the words " ' game of chance ' and ' gaming ' have the same meanings as in the Gaming Act 1968 ".</p>

PART II

SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO ACT OF 1963

PERMITS UNDER SECTION 49

Authority responsible for grant and renewal of permits

- 1 (1) In this Schedule "the Gaming Act Schedule" means Schedule 9 to the Gaming Act 1968 (which relates to permits under section 34 of that Act), " the appropriate authority " has the meaning assigned to it by paragraph 1 of that Schedule, and " local authority " has the meaning assigned to it by paragraph 3 of that Schedule.
- (2) In this Schedule, and in any provisions of the Gaming Act Schedule as applied by this Schedule, " permit" means a permit under section 49 of this Act.
- 2 Paragraph 2 of the Gaming Act Schedule shall have effect for the purposes of this Schedule.

Resolution by local authority as to grant or renewal of permits

- 3 Any local authority may pass either of the following resolutions, that is to say—
- (a) that (subject to paragraph 4 of this Schedule) the authority will not grant any permits in respect of premises of a class specified in the resolution ;
 - (b) that (subject to paragraph 4 of this Schedule) the authority will neither grant nor renew any permit in respect of premises of a class specified in the resolution.

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- 4 (1) No resolution under paragraph 3 of this Schedule shall have effect in relation to the grant or renewal of permits in respect of premises to which this paragraph applies.
- (2) This paragraph applies to any premises used or to be used wholly or mainly for the purposes of a pleasure fair consisting wholly or mainly of amusements.

Application for grant or renewal of permit

- 5 Paragraphs 5 and 6 of the Gaming Act Schedule shall have effect for the purposes of this Schedule.

Grounds for refusal to grant or renew permit

- 6 Where an application for the grant or renewal of a permit is made to a local authority, then if—
- (a) there is for the time being in force a resolution passed by that authority in accordance with paragraph 3 of this Schedule which is applicable to the premises to which the application relates, and
 - (b) the permit could not be granted or renewed without contravening that resolution,
- it shall be the duty of the authority to refuse to grant or renew the permit.

- 7 (1) In the case of premises to which paragraph 4 of this Schedule applies—
- (a) the grant of a permit shall be at the discretion of the appropriate authority; but
 - (b) the appropriate authority shall not refuse to renew a permit except either on the grounds that they or their authorised representatives have been refused reasonable facilities to inspect the premises or by reason of the conditions in which amusements with prizes have been provided on the premises, or the manner in which any such amusements have been conducted, while the permit has been in force.
- (2) In the case of premises other than premises to which paragraph 4 of this Schedule applies, the grant or renewal of a permit shall (subject to paragraph 6 of this Schedule) be at the discretion of the appropriate authority; and in particular, and without prejudice to the generality of that discretion, the appropriate authority may refuse to grant or renew any such permit on the grounds 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 amusements with prizes should be provided on those premises.
- (3) The preceding provisions of this paragraph shall have effect subject to section 49(3B) of this Act.
- (4) In this paragraph any reference to amusements with prizes includes any amusements provided by means of a machine to which Part III of the Gaming Act 1968 applies.

Appeal in England or Wales against decision of appropriate authority

- 8 Paragraph 11 of the Gaming Act Schedule shall have effect for the purposes of this Schedule.
- 9 The court of quarter sessions shall not allow an appeal under this Schedule if satisfied that, by virtue of paragraph 6 of this Schedule, it was the duty of the appropriate authority to refuse to grant or renew the permit.

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10 Subject to paragraph 9 of this Schedule, on any such appeal the court of quarter sessions may by its order allow or dismiss the appeal, or reverse or vary any part of the decision of the appropriate authority, and may deal with the application as if it had been made to the court of quarter sessions in the first instance; and the judgment of the court of quarter sessions on the appeal shall be final.

11 Paragraph 14 of the Gaming Act Schedule shall have effect for the purposes of this Schedule.

Appeal in Scotland against decision of appropriate authority

12 Paragraph 15 of the Gaming Act Schedule shall have effect for the purposes of this Schedule.

13 The sheriff shall not allow an appeal under this Schedule if satisfied that, by virtue of paragraph 6 of this Schedule, it was the duty of the appropriate authority to refuse to grant or renew the permit.

14 (1) Subject to paragraph 13 of this Schedule, on any such appeal the sheriff may either allow or dismiss the appeal, or reverse or vary any part of the decision of the appropriate authority, and may deal with the application as if it had been made to him in the first instance.

(2) The decision of the sheriff on the appeal shall be final and may include such order as to the expenses of the appeal as he thinks proper.

Duration of permit

15 Paragraphs 18 to 20 of the Gaming Act Schedule shall have effect for the purposes of this Schedule, with the substitution, for the reference in paragraph 18 of that Schedule to section 39 of that Act, of a reference to section 49 of this Act.

Payment of fees

16 Notwithstanding anything in the preceding provisions of this Schedule, no permit shall be granted or renewed except on payment by the applicant to the appropriate authority or their clerk of a fee of twenty-five shillings.

Supplementary provisions

17 The grant or renewal of a permit shall not be invalidated by any failure to comply with paragraph 6 of this Schedule ; and any duty of a local authority to comply with that paragraph shall not be enforceable by any legal proceedings.

PART III

AMENDMENTS OF OTHER ENACTMENTS

<i>Enactment</i>	<i>Amendment</i>
The Licensing (Scotland) Act 1959 (1959 c. 51).	In Schedule 2— (a) in the form of certificate for a hotel, in condition (11) for the words from " Part II" to the end there shall be

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<i>Enactment</i>	<i>Amendment</i>
<p data-bbox="248 824 587 891">The Betting Duties Act 1963 (1963 c. 3).</p>	<p data-bbox="868 398 1343 555">substituted the words " the Gaming Act 1968 is committed or a requirement or restriction for the time being in force under section 6 of that Act is contravened: " and</p> <p data-bbox="820 560 1343 810">(b) in the form of certificate for a public house, in condition (12) for the words from " Part II " to the end there shall be substituted the words " the Gaming Act 1968 is committed or a requirement or restriction for the time being in force under section 6 of that Act is contravened; ".</p> <p data-bbox="804 824 1343 958">In section 3(6), for the words from " or stake " onwards there shall be substituted the words " made or stake hazarded in the course of, or incidentally to, any gaming ".</p>
<p data-bbox="248 967 536 1034">The Licensing Act 1964 (1964 c. 26).</p>	<p data-bbox="804 967 1343 1160">In section 177, for the words "Part II of the Betting, Gaming and Lotteries Act 1963 " there shall be substituted the words " the Gaming Act 1968 "; and for the words " section 35 " there shall be substituted the words " section 6 ".</p> <p data-bbox="804 1173 1343 1339">In section 202(1)(b) for the words " section 35 of the Betting, Gaming and Lotteries Act 1963 " there shall be substituted the words " section 6 of the Gaming Act 1968 ".</p>
<p data-bbox="248 1348 513 1415">The Finance Act 1966 (1966 c. 18).</p>	<p data-bbox="804 1348 1343 2020">In section 13(4), in paragraph (b), for the words from " carried on " onwards there shall be substituted the words " which constitutes the provision of amusements with prizes to which section 48 of the Betting, Gaming and Lotteries Act 1963 applies, where the conditions applicable in accordance with the provisions of that section are observed, or constitutes the provision of amusements with prizes in the circumstances specified in subsection (1) of section 49 of that Act, where the conditions applicable in accordance with the provisions of that section are observed "; and in paragraph (c), for the words from " in such circumstances " onwards there shall be substituted the words " which constitutes gaming to which section 41 of the Gaming Act 1968 applies, where the conditions applicable in accordance with the provisions of that section are observed ".</p>

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<i>Enactment</i>	<i>Amendment</i>
	<p>In section 14(2), for paragraphs (a) and (b) there shall be substituted the words " any gaming machine on those premises is there—</p> <p style="padding-left: 2em;">(a) for the purposes only of an entertainment to which section 33 of the Gaming Act 1968 applies, or</p> <p style="padding-left: 2em;">(b) in the circumstances specified in any of paragraphs (a) to (d) of subsection (1) of section 34 of that Act,</p> <p>and (in either case) the conditions specified in subsections (2) to (4) of section 34 of that Act, or those subsections as modified by any order made under subsection (9) of that section, are observed; and no such licence shall be required for a gaming machine which is on the premises for the purpose only of being used as mentioned in section 52(5) of the Gaining Act 1968 ".</p> <p>In section 15(6), before the words " betting agency permit" there shall be inserted the word " bet ", the definitions of " gaming " and " gaming machine " shall be omitted, and the following definitions shall be inserted at the appropriate point in alphabetical order:—</p> <p style="padding-left: 2em;">“ gaming ' has the same meaning as in the Gaming Act 1968;</p> <p style="padding-left: 2em;">' gaming machine ' means a machine to which Part III of the Gaming Act 1968 applies”.</p>