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Changes to legislation: There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Sections 21(1), 24(1) and 26.

GAMING MACHINE LICENCE DUTY

PART I

EXEMPTIONS FROM REQUIREMENT OF EXCISE LICENCE

Charitable entertainments, etc.

- 1 (1) A gaming machine licence shall not be required in order to authorise the provision of a gaming machine at an entertainment (whether limited to one day or extending over two or more days), being a bazaar, sale of work, fête, dinner, dance, sporting or athletic event or other entertainment of a similar character, where the conditions of this paragraph are complied with in relation to the entertainment.
- (2) The conditions of this paragraph are that—
- (a) the whole proceeds of the entertainment (including the proceeds of gaming by means of any machine) after deducting the expenses of the entertainment, including any expenses incurred in connection with the provision of gaming machines and of prizes to successful players of the machines will be devoted to purposes other than private gain; and
 - (b) the opportunity to win prizes by playing the machine (or that machine and any other provided for gaming at the entertainment) does not constitute the only, or the only substantial, inducement for persons to attend the entertainment.
- [^{F1}(3) In construing sub-paragraph (2)(a) above, proceeds of an entertainment promoted on behalf of a society falling within this sub-paragraph which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.
- (4) A society falls within sub-paragraph (3) above if it is established and conducted either—
- (a) wholly for purposes other than purposes of any commercial undertaking, or
 - (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games;
- and in this paragraph “society” includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.]

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Textual Amendments

F1 Para. 1(3)(4) substituted for para. 1(3) by [Finance Act 1983 \(c. 28, SIF 12:2\)](#), s. 5(2)

Pleasure fairs

- 2 (1) A gaming machine licence shall not be required in order to authorise the provision of a gaming machine at a pleasure fair, consisting wholly or mainly of amusements provided by travelling showmen, which is held on any day of a year on premises not previously used in that year for more than twenty-seven days for the holding of such a pleasure fair, where the conditions of this paragraph are complied with in relation to the machine.
- (2) The conditions of this paragraph are that—
- (a) the amount payable to play the machine once does not exceed 10p;
 - (b) a person playing the machine once and successfully does not receive anything other than one of the following prizes or combinations of prizes:—
 - (i) a money prize not exceeding £1 or a token which is, or two or more tokens which in the aggregate are, exchangeable only for such a money prize;
 - (ii) a non-monetary prize or prizes of a value or aggregate value not exceeding £2 or a token exchangeable only for such a non-monetary prize or such non-monetary prizes;
 - (iii) a money prize not exceeding £1 together with a non-monetary prize of a value which does not exceed £2 less the amount of the money prize;
 - (iv) one or more tokens which can be exchanged for a non-monetary prize or non-monetary prizes at the appropriate rate; and
 - (c) the opportunity to play the machine (or that machine and any other provided for gaming at the fair) does not constitute the only, or the only substantial, inducement for persons to attend the fair.
- (3) In sub-paragraph (2)(b) above, “non-monetary prize”, in relation to a machine, means a prize which does not consist of or include any money and does not consist of or include any token which can be exchanged for money or money’s worth or be used for playing the machine; and, for the purposes of sub-paragraph (2)(b)(iv), a token or tokens shall be taken to be exchanged for a non-monetary prize or prizes at the appropriate rate if either—
- (a) the value or aggregate value of the prize or prizes does not exceed £2 and the token or tokens exchanged represent the maximum number of tokens which can be won by playing the machine once, or
 - (b) in any other case, the value or aggregate value of the prize or prizes does not exceed £2 and bears to £2 a proportion not exceeding that which the number of tokens exchanged bears to the maximum number of tokens which can be won by playing the machine once.
- (4) The condition specified in sub-paragraph (2)(b) above shall not, in relation to a machine, be taken to be contravened by reason only that a successful player of the machine receives an opportunity to play again (once or more often) without paying,

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so long as the most which he can receive if he wins each time he plays again is a money prize or money prizes of an amount, or aggregate amount, of £1 or less.

Modifications etc. (not altering text)

- C1** Sch. 4 para. 2(2)(a): by S.I. 1989/2254, **art. 4(a)** (which S.I. was revoked (1.1.1993) by S.I. 1992/2954, **art. 2**) it was provided (1.1.1990) that sub-para. (2) should have effect as if in sub-para. (2)(a), for the sum of 10p there were substituted the sum of 20p.
- C2** Sch. 4 para. 2(2)(b): by virtue of S.I. 1989/2254, **art. 4(b)** (which S.I. was revoked (1.1.1993) by S.I. 1992/2954, **art. 2**) sub-para. (2)(b) had effect (1.1.1990) as if, for the sum of £1 (in both places) there were substituted the sum of £2.40, and for the sum of £2 (in both places) there were substituted the sum of £4.80 and by virtue of S.I. 1992/2954, **art. 3(3)(a)**, sub-para. (2)(b) had effect (1.1.1993) as if, for the sum of £1 (in both places) there were substituted the sum of £3, and for the sum of £2 (in both places) there were substituted the sum of £6.
- C3** Sch. 4 para. 2(3): by virtue of S.I. 1989/2254, **art. 4(c)** (which S.I. was revoked (1.1.1993) by S.I. 1992/2954, **art. 2**) sub-para. (3) had effect (1.1.1990) as if, for the sum of £2 (in all three places) there were substituted the sum of £4.80, and by virtue of S.I. 1992/2954, **art. 3(3)(b)**, sub-para. (3) had effect (1.1.1993) as if, for the sum of £2 (in all three places) there were substituted the sum of £6.
- C4** Sch. 4 para. 2(4): by virtue of S.I. 1989/2254, **art. 4(d)** (which S.I. was revoked (1.1.1993) by S.I. 1992/2954, **art. 2**) sub-para. (4) had effect (1.1.1990) as if, for the sum of £1 there were substituted the sum of £2.40, and by virtue of S.I. 1992/2954, **art. 3(3)(c)**, sub-para. (4) had effect (1.1.1993) as if, for the sum of £1 there were substituted the sum of £3.

- 3 The Commissioners may by order provide that any provision of paragraph 2 above which is specified in the order and which mentions a sum shall have effect, as from a date so specified, as if for that sum there were substituted such larger sum as may be specified in the order.

Months preceding and following half-year summer licences

- 4 [F²Subject to sub-paragraph (2) below] a gaming machine licence shall not be required in order to authorise the provision of a [F³small prize-machine on any premises]—
- (a) during March of any year if the provision of the machine on the premises during April of that year has been authorised by a half-year licence or a quarter-year licence;
 - (b) during October of any year if the provision of the machine on the premises during September of that year has been authorised by a half-year licence or a quarter-year licence.
- [F⁴(2) Sub-paragraph (1) above shall not apply in relation to the provision of a machine on any premises—
- (a) during March of any year, if any person has become entitled to a repayment of duty under paragraph 11 below on the surrender of a licence in respect of those premises or any machine on those premises during the preceding February,
 - (b) during October of any year, if any person has become entitled to such a repayment on the surrender of such a licence during the preceding March, June or September.]

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Textual Amendments

- F2** Words inserted by [Finance Act 1987 \(c. 16, SIF 12:2\), s. 5\(4\)](#)
F3 Words substituted by [Finance Act 1982 \(c. 39, SIF 12:2\), s. 8, Sch. 6 Pt. V para. 15](#)
F4 [Sch. 4 para. 4\(2\)](#) inserted by [Finance Act 1987 \(c. 16, SIF 12:2\), s. 5\(4\)](#)

PART II

SUPPLEMENTARY PROVISIONS

General administration

- 5 The duty on gaming machine licences shall be under the care and management of the Commissioners, who may (without prejudice to any other provision of this Schedule) make regulations providing for any matter for which provision appears to them to be necessary for the administration or enforcement of the duty, or for the protection of the revenue in respect thereof; and in this Schedule—
- (a) “regulations” means regulations of the Commissioners made thereunder; and
 - (b) “prescribed” means prescribed by regulations.

Applications for and duration of licence

- 6 An application for a licence . . . ^{F5}shall, subject to paragraph 7(2) below, be made to the Commissioners not later than fourteen days before the date on which the licence is to be in force.

Textual Amendments

- F5** Words repealed by [Finance Act 1984 \(c. 43, SIF 12:2\), ss. 7\(1\)\(2\), 128\(6\), Sch. 3 Pt. I para. 7\(2\), Sch. 23 Pt. II Note](#)

- 7 (1) Subject to sub-paragraph (2) below, a licence shall be expressed to take effect—
- (a) on the first day of the period for which it is granted, or
 - (b) on the fourteenth day after the date of the application,
- whichever is the later.
- (2) Where a licence would otherwise, by virtue of sub-paragraph (1)(b) above, be expressed to take effect on the fourteenth day after the date of the application it may, if the Commissioners think fit, be expressed to take effect earlier than that day, but in no case earlier than the day following that date.

[^{F6}(3) A gaming machine licence shall expire at the end of the period for which it is granted.]

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Textual Amendments

F6 Para. 7(3) substituted by Finance Act 1984 (c. 43, SIF 12:2), s. 7(1)(2), Sch. 3 Pt. I para. 7(3)

VALID FROM 01/05/1995

[^{F7} Payment of duty by instalments]

Textual Amendments

F7 Crossheading inserted (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(5).

- ^{F8}7A (1) The Commissioners may make and publish arrangements setting out the circumstances in which, and the conditions subject to which, a person to whom an amusement machine licence is granted for a period of twelve months may, at his request and if the Commissioners think fit, be permitted to pay the duty on that licence by regular instalments during the period of the licence, instead of at the time when it is granted.
- (2) Arrangements under this paragraph shall provide for the amount of each instalment to be such that the aggregate amount of all the instalments to be paid in respect of any licence is an amount equal to 105 per cent. of what would have been the duty on that licence apart from this paragraph.
- (3) Sub-paragraph (4) below applies if a person who has been permitted, in accordance with arrangements under this paragraph, to pay the duty on any amusement machine licence by instalments—
- (a) fails to pay any instalment at the time when it becomes due in accordance with the arrangements; and
 - (b) does not make good that failure within seven days of being required to do so by notice given by the Commissioners.
- (4) Where this sub-paragraph applies—
- (a) the licence shall be treated as having ceased to be in force as from the time when the instalment became due;
 - (b) the person to whom the licence was granted shall become liable to any unpaid duty to which he would have been liable under paragraph 11(1C) below if he had surrendered the licence at that time; and
 - (c) any amusement machines found on the premises to which the licence related shall be liable to forfeiture.
- (5) Sections 14 to 16 of the ^{M1}Finance Act 1994 (review and appeals) shall have effect in relation to any decision of the Commissioners refusing an application for permission to pay duty by instalments in accordance with arrangements under this paragraph as if that decision were a decision of a description specified in Schedule 5 to that Act.]

Textual Amendments

F8 Sch. 4 Pt. II para. 7A inserted (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(5).

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Marginal Citations

M1 1994 c. 9.

Transfer of licence

- 8 (1) The proper officer may, in such manner as the Commissioners may direct, and without any additional payment,
- [^{F9}(a) transfer an ordinary licence in respect of any premises to a successor in title to the interest in those premises of the person to whom the licence was granted; and
- (b) where—
- (i) a person holding special licences so requests; and
- (ii) the proper officer is satisfied that it is appropriate to do so and will not result in any person holding any number of special licences less than ten,
- transfer such number of special licences to such other person, as may be specified in the request.]
- (2) Where the holder of a gaming machine licence . . . ^{F10}dies, the proper officer may transfer the licence, in such manner as the Commissioners may direct and without any additional payment, to some other person for the remainder of the period for which the licence was granted.

Textual Amendments

F9 Words substituted by [Finance Act 1984 \(c. 43, SIF 12:2\)](#), s. 7(1)(2), [Sch. 3 Pt. I para. 7\(4\)](#)

F10 Words repealed by [Finance Act 1984 \(c. 43, SIF 12:2\)](#), ss. 7(1)(2), 128(6), [Sch. 3 Pt. I para. 7\(2\)](#), [Sch. 23 Pt. II Note](#)

Amendment of licence

- 9 The proper officer may, in such manner as the Commissioners may direct, and without any additional payment, amend [^{F11}an ordinary]licence by substituting different premises for those in respect of which it is for the time being in force, but—
- (a) this paragraph shall not be taken as authorising any amendment affecting the number or descriptions of gaming machines authorised by the licence . . . ^{F12}, and
- (b) the proper officer must be satisfied that there is no other [^{F13}ordinary licence for the same period] in force as respects the new premises, except where the transfer is of a licence relating only to machines chargeable at one rate, and [^{F13}any such] licence already in force relates only to machines chargeable at another rate.

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Textual Amendments

- F11** Words substituted by [Finance Act 1984 \(c. 43, SIF 12:2\)](#), s. 7(1)(2), [Sch. 3 Pt. I para. 7\(5\)\(a\)](#)
F12 Words repealed by [Finance Act 1987 \(c. 16, SIF 12:2\)](#), s. 72(7), [Sch. 16 Pt. II Note 3](#)
F13 Words substituted by [Finance Act 1984 \(c. 43, SIF 12:2\)](#), s. 7(1)(2), [Sch. 3 Pt. I para. 7\(5\)\(c\)](#)

- 10 (1) Where there is [^{F14}an ordinary] licence for the time being in force in respect of any premises, the holder may at any time apply to the Commissioners for the licence to be amended under this paragraph, and the proper officer shall, on payment of the additional duty (if any), amend the licence accordingly.
- (2) A licence may be amended under this paragraph—
- (a) so as to increase the number of machines which are authorised by the licence for the premises in question (whether chargeable at one or more of the rates respectively); or
 - (b) so as to increase the number of machines chargeable at one rate and reduce the number chargeable at another rate; or
 - (c) in the case of a licence which authorises only machines chargeable at one rate, so as to authorise a specified number of machines chargeable at another rate.
- (3) The additional duty referred to in sub-paragraph (1) above shall be payable only where—
- (a) the amount of the duty originally paid on the licence, or
 - (b) in the case of a licence previously amended under this paragraph, that amount plus any additional duty paid in respect of that amendment,
- is exceeded by the amount of duty which would have been payable on the original licence if it had been granted as proposed to be amended; and the amount of the additional duty shall then be the difference between those two amounts, . . . ^{F15}
- (4) Regulations may make provision with respect to the procedure for amending licences under this paragraph, and any such regulations may include provision—
- (a) as to the method of amendment (that is to say, whether it is to be effected by endorsement of the licence, or by the issue of an amended licence, or otherwise howsoever), and
 - (b) as to the time at which a licence is to have effect as amended.

Textual Amendments

- F14** Words substituted by [Finance Act 1984 \(c. 43, SIF 12:2\)](#), s. 7(1)(2), [Sch. 3 Pt. I para. 7\(6\)](#)
F15 Words repealed by [Finance Act 1984 \(c. 43, SIF 12:2\)](#), ss. 7(1)(2), 128(6), [Sch. 3 Pt. I para. 7\(6\)](#), [Sch. 23 Pt. II Note](#)

Surrender of licence

- 11 [^{F16}(1) Where the holder of a gaming machine licence surrenders it to the proper officer at a time when the licence has at least three months to run, he shall, subject to

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any provision made by regulations under paragraph 11A below, [^{F17}be entitled to a repayment of duty, in respect of each complete month in the unexpired period of the licence, of an amount equal—

- (a) in the case of a whole-year licence, to one-twelfth of the duty paid on the grant of the licence, and
- (b) in the case of a half-year licence, to one-twelfth of the duty that would have been payable on the grant of the licence if it had been a whole-year licence.]

- (2) A special licence shall not be surrendered unless the Commissioners are satisfied that, if it is surrendered, its holder will (having regard to any other licences surrendered at the same time) hold at least ten, or cease to hold any, special licences.]
- (3) [^{F18}Sub-paragraph (1)] above shall not apply if any person has been convicted of an offence under section 24 of this Act in respect of a contravention of [^{F18}section 21(1) or 24 of this Act] which occurred between the grant of the licence and the date of surrender; and where at the date of surrender proceedings for such an offence are pending against any person, the right to repayment under this paragraph shall not arise until the proceedings are terminated, nor unless every person charged in those proceedings with such an offence has been acquitted thereof.

Textual Amendments

- F16** Para. 11(1)(2) substituted by Finance Act 1984 (c. 43, SIF 12:2), s. 7(1)(2), **Sch. 3 Pt. I para. 7(7)**
- F17** Words substituted by Finance Act 1987 (c. 16, SIF 12:2), **s. 5(5)**
- F18** Words substituted by Finance Act 1984 (c. 43, SIF 12:2), s. 7(1)(2), **Sch. 3 Pt. I para. 7(8)**

Modifications etc. (not altering text)

- C5** Para. 11 modified by Finance Act 1984 (c. 43, SIF 12:2), s. 7(1)(2), **Sch. 3 Pt. II para. 8(3)**

Reduction of duty in certain cases

[^{F19}11A(1) For the purpose of giving credit, on the taking out of a gaming machine licence in certain circumstances where duty has been paid on one or more previous licences, the Commissioners may make regulations providing that, in prescribed cases, the amount of duty payable on a gaming machine licence shall, subject to prescribed conditions, be reduced by a prescribed amount.

- (2) Regulations under this paragraph may make provision modifying, or excluding, the application of paragraph 11 above in cases in which duty is reduced in accordance with the regulations.]

Textual Amendments

- F19** Para. 11A inserted by Finance Act 1984 (c. 43, SIF 12:2), s.7(1)(2), **Sch. 3 Pt. I para. 7(9)**

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Requirements to be observed by licence-holder

- 12 The holder of [^{F20}, an ordinary] licence in respect of any premises shall secure that the licence is displayed on the premises at such times and in such manner as may be prescribed, and shall on demand by an officer at any time produce the licence for the officer's inspection.

Textual Amendments

F20 Words substituted by Finance Act 1984 (c. 43, SIF 12:2), s. 7(1)(2), **Sch. 3 Pt. I para. 7(10)**

- 13 Regulations may make provision with respect to the labelling or marking of
- [^{F21}(a) gaming machines provided on any premises in respect of which an ordinary licence is in force; and
- (b) gaming machines in respect of which special licences are in force], with a view to enabling such machines to be identified as chargeable at the lower rate [^{F22}or the higher rate or, as the case may be, as being two-penny machines], and any such regulations may include provision as to the size and description of labels or marks to be applied to machines, as to the cases in which they are required to be, or are prohibited from being, applied, and as to the manner of their application.

Textual Amendments

F21 Words substituted by Finance Act 1984 (c. 43, SIF 12:2), s. 7(1)(2), **Sch. 3 Pt. I para. 7(11)**

F22 Words substituted by Finance Act 1982 (c. 39, SIF 12:2), s. 8, **Sch. 6 Pt. II para. 17**

Power to enter premises and obtain information

- 14 Any officer may (without payment) enter on any premises on which he knows or has reasonable cause to suspect that gaming machines are or have been provided for gaming and inspect those premises and require any person who is concerned in the management of the premises, or who is on the premises and appears to the officer to have any responsibility whatsoever in respect of their management or of the control of the admission of persons thereto—
- (a) to produce or secure the production of any gaming machine licence for the time being in force in respect of the premises, or
- (b) to provide information with respect to any use to which the premises are or have been put, or to any machine which is or has been on the premises and any game which may have been played by means of such a machine or to the way in which the machine works, or to the amount which is or has been payable to play it.

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Registers of permits, etc.

- 15 (1) The clerk to the appropriate authority shall keep a register in the prescribed form and containing the prescribed particulars of—
- (a) all permits issued by the authority for the purposes of section 16 of the ^{M2}Lotteries and Amusements Act 1976 (permitted gaming in the form of amusements with prizes),
 - (b) all permits so issued for the purposes of section 34 of the ^{M3}Gaming Act 1968 (conditions under which gaming may be carried on by means of machines), and
 - (c) all directions given by the authority under section 32 of the Gaming Act 1968 (approval for provision of more than two gaming machines);
- and any such register shall be open during reasonable hours for inspection by any officer.
- (2) In sub-paragraph (1) above, “the appropriate authority”—
- (a) in relation to permits issued for the purposes of section 16 of the Lotteries and Amusements Act 1976, means the local authority within the meaning of Schedule 3 to that Act,
 - (b) in relation to permits issued for the purposes of section 34 of the Gaming Act 1968, has the same meaning as in Schedule 9 to that Act, and
 - (c) in relation to directions under section 32 of the Gaming Act 1968, means the licensing authority under that Act.

Marginal Citations

M2 1976 c. 32(12:1).

M3 1968 c. 65(12:1).

Enforcement

- 16 (1) If any person contravenes or fails to comply with any provision of this Part of this Schedule or regulations, or fails or refuses to comply with any requirement lawfully made of him under this Part of this Schedule or regulations, he shall be guilty of an offence and be liable on summary conviction to [^{F23}a penalty of level 5 on the standard scale.]
- (2) Where a person is convicted of an offence under this paragraph consisting in a failure to comply with any provision of this Part of this Schedule or of regulations, and the failure continues after the conviction, he shall be guilty of a further offence under this paragraph and may on conviction be punished accordingly.

Textual Amendments

F23 Words substituted by [Finance Act 1985 \(c. 54, SIF 12:2\)](#), s. 8, [Sch. 5 Pt. 1 para. 9\(2\)](#)

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- 17 (1) If a justice of the peace or, in Scotland, a justice (within the meaning of section 462 of the ^{M4}Criminal Procedure (Scotland) Act) is satisfied on information on oath that there is reasonable ground for suspecting that gaming machines are or have been, or are to be, provided for gaming on any premises in contravention of [^{F24}section 21(1) or 24] of this Act, he may issue a warrant in writing authorising an officer to enter the premises (if necessary by force) at any time within [^{F25}one month] of the issue of the warrant and search them.
- (2) An officer who enters premises under the authority of such a warrant may—
- (a) seize and remove any records, accounts or other documents, or any gaming machine (including any machine appearing to the officer to be constructed or adapted, or to be capable of use, for playing a game of chance by means of it), or any tokens or other thing whatsoever, found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under section 24 of this Act or paragraph 16 above;
 - (b) search any person found on the premises whom he has reasonable cause to believe to be or have been concerned with the provision of gaming machines on the premises, or with the management of the premises, or to be or have been responsible for controlling the admission of persons to the premises.

Textual Amendments

F24 Words substituted by [Finance Act 1984 \(c. 43, SIF 12:2\)](#), s. 7, [Sch. 3 Pt. I para. 7\(12\)](#)

F25 Words substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, [Sch. 6 Pt. II para. 39\(d\)](#)

Marginal Citations

M4 [1975 c. 21\(39:1\)](#).

- 18 Where an officer finds gaming machines provided on any premises in such circumstances that a gaming machine licence is required so as to authorise them so to be provided and [^{F26}the officer is satisfied, having regard to the number and description of—
- (a) those machines which are authorised by the ordinary licence or licences produced to him; and
 - (b) those machines displaying special licences;
- that there has been a contravention of section 21(1) or 24 of this Act,] all gaming machines found on the premises shall be liable to forfeiture.

Textual Amendments

F26 Words substituted by [Finance Act 1984 \(c. 43, SIF 12:2\)](#), s. 7, [Sch. 3 para. 7\(13\)](#)

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