

*Status: Point in time view as at 29/04/1996.*

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

## SCHEDULES

### SCHEDULE 4

#### [<sup>F1</sup>AMUSEMENT MACHINE] LICENCE DUTY

##### Textual Amendments

**F1** Words in crossheading substituted (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(a).

### PART II

#### SUPPLEMENTARY PROVISIONS

##### *General administration*

- 5 [<sup>F1</sup>(1)] The duty on [<sup>F2</sup>amusement 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.
- [<sup>F3</sup>(2) Regulations may provide for this Schedule to have effect in relation to special amusement machine licences with such exceptions, adaptations and modifications as may be prescribed.
- (3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, regulations may include provision requiring—
- (a) a special amusement machine licence to be displayed on such premises and in such manner, and
  - (b) the machine to which such a licence relates to bear such labels and marks, as may be determined by directions given, in accordance with the regulations, by the Commissioners.]

##### Textual Amendments

**F1** Sch. 4 Pt. II para. 5 renumbered (29.4.1996) as para. 5(1) by 1996 c. 8, s. 12(6).

**F2** Words in Sch. 4 Pt. II para. 5 substituted for “gaming machines” (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(a).

**F3** Sch. 4 Pt. II para. 5(2)(3) inserted (29.4.1996) by 1996 c. 8, s. 12(6).

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*Applications for and duration of licence*

[<sup>F4</sup>6 An application for [<sup>F5</sup>an][<sup>F6</sup>amusement machine] licence shall be made to the Commissioners in such form and manner as they may require.

**Textual Amendments**

- F4** Sch. 4 Pt. II para. 6 substituted (3.5.1994 with effect in relation to gaming machine licences granted for any period beginning on or after 1.5.1994) by 1994 c. 9, s. 6, Sch. 3 para. 1(7)(9).  
**F5** Word in Sch. 3 Pt. II para. 6 substituted for “a” (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(a).  
**F6** Words in Sch. 3 Pt. II para. 6 substituted for “gaming machine” (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(b).

[<sup>F7</sup>7 The period for which [<sup>F8</sup>an][<sup>F9</sup>amusement machine] licence is granted shall begin with the day on which application for the licence is received by the Commissioners or, if a later day is specified for that purpose in the application, with that day; and the licence shall expire at the end of that period.

**Textual Amendments**

- F7** Sch. 4 Pt. II para. 7 substituted (3.5.1994 with effect in relation to gaming machine licences granted for any period beginning on or after 1.5.1994) by 1994 c. 9, s. 6, Sch. 3 para. 1(7)(9).  
**F8** Word in Sch. 3 Pt. II para. 7 substituted for (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(b).  
**F9** Words in Sch. 3 Pt. II para. 7 substituted for (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(a).

*[<sup>F10</sup> Payment of duty by instalments]*

**Textual Amendments**

- F10** Crossheading inserted (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(5).

[<sup>F11</sup>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—

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- (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 <sup>M1</sup>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**

**F11** Sch. 4 Pt. II para. 7A inserted (1.5.1995) by 1995 c. 4, s. 14, **Sch. 3 para. 11(5)**.

**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, [<sup>F12</sup>transfer a gaming machine 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]
- (2) Where the holder of [<sup>F13</sup>an][<sup>F14</sup>amusement machine] licence . . . <sup>F15</sup>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**

**F12** Words in Sch. 4 para. 8(1) substituted for Sch. 4 para. 8(1)(a)(b) (1.5.1995) by 1994 c. 9, s. 6, **Sch. 3 para. 3(5)(11)**.

**F13** Word in Sch. 4 para. 8(1) substituted “gaming machine” (1.5.1995) by 1995 c. 4, s. 14, **Sch. 3 para. 11(1)(b)**.

**F14** Words in Sch. 4 para. 8(1) substituted “a” (1.5.1995) by 1995 c. 4, s. 14, **Sch. 3 para. 11(1)(a)**.

**F15** 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*

<sup>F16</sup>9 . . . . .

**Textual Amendments**

**F16** Sch. 4 Pt. II para. 9 repealed (1.5.1994) by 1994 c. 9, ss. 6, 258, Sch. 3 para. 5(2)(6), **Sch. 26 Pt. II** (with Sch. 3 para. 1(8)(9)).

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F17 10 .....

#### Textual Amendments

**F17** Sch. 4 Pt. II para. 10 repealed (1.5.1994) by 1994 c. 9, ss. 6, 258, Sch. 3 para. 5(2)(6), Sch. 26 Pt. II Note (with Sch. 3 para. 1(8)(9)).

#### *Surrender of licence*

11 [F18(1) The holder of [F19an][F20amusement machine] licence may surrender it to the proper officer at any time.

(1A) On the surrender of the licence the holder shall be entitled to repayment of duty of the following amount.

(1B) That amount is the difference between—

- (a) the amount of duty actually paid on the licence, and
- (b) the amount (if less) that would have been paid if the period for which the licence was granted had been reduced by the number of complete months in that period which have not expired,

and for the purposes of this paragraph a seasonal licence is to be treated as granted for the period of eight months beginning with 1st March

[F21(1C) Where, in a case where duty is being paid in accordance with arrangements made under paragraph 7A above, the amount of duty actually paid on a licence that is surrendered is less than the amount which would have been paid on that licence if the period for which it was granted had been reduced by the number of complete months in that period which have not expired when the licence is surrendered, the difference between those amounts shall be treated as unpaid duty.]

F22(2) .....

(3) [F23Sub-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 [F23section 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

**F18** Sch. 4 Pt. II para. 11(1)(A)(1B) substituted (1.5.1994) for para. 11(1) by 1994 c. 9, s. 6, Sch. 3 para. 5(3)(5)(6) (with Sch. 3 para. 5(5)).

**F19** Word in Sch. 4 Pt. II para. 11(1) substituted for “a” (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(b).

**F20** Words in Sch. 3 para. 11(1) substituted for “gaming machine” (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(a).

**F21** Sch. 4 Pt. II para. 11(1C) inserted (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(6).

**F22** Sch. 4 Pt. II para. 11(2) omitted (1.5.1995) by virtue of 1994 c. 9, s. 6, Sch. 3 para. 3(6)(11).

**F23** Words substituted by Finance Act 1984 (c. 43, SIF 12:2), s. 7(1)(2), Sch. 3 Pt. I para. 7(8)

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**Modifications etc. (not altering text)**

**C1** 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*

<sup>F24</sup>11A .....

**Textual Amendments**

**F24** Sch. 4 Pt. II para. 11A repealed (1.5.1994) by 1994 c. 9, ss. 6, 258, Sch. 3 para. 5(4)(6), Sch. 26 Pt. II Note (with Sch. 3 para. 1(8)(9)).

*Requirements to be observed by licence-holder*

12 The holder of [<sup>F25</sup>[<sup>F26</sup>an][<sup>F27</sup>amusement machine] 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**

**F25** Words in Sch. 4 para. 12 substituted (1.5.1995) by 1994 c. 9, s. 6, Sch. 3 para. 3(7)(11).

**F26** Word in Sch. 4 para. 12 substituted for "a" (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(b).

**F27** Words in Sch. 4 para. 12 substituted for "gaming machine" (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(a).

<sup>F28</sup>13 .....

**Textual Amendments**

**F28** Sch. 4 Pt. II para. 13 repealed (1.5.1995) by 1995 c. 4, ss. 14, 162, Sch. 3 para. 11(7), Sch. 29 Pt. III, note 1

*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 [<sup>F29</sup>for play] 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 [<sup>F30</sup>amusement 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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#### **Textual Amendments**

- F29** Words in [Sch. 3 Pt. II para. 14](#) substituted for “for play” (1.5.1995) by [1995 c. 4, s. 14](#), [Sch. 3 para. 11\(8\)](#).  
**F30** Words in [Sch. 3 Pt. II para. 14](#) substituted for “gaming machine” (1.5.1995) by [1995 c. 4, s. 14](#), [Sch. 3 para. 11\(1\)\(a\)](#).

#### *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 <sup>M2</sup>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 <sup>M3</sup>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 [<sup>F31</sup>amusement 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.

#### **Textual Amendments**

- F31** Words in [Sch. 4 para. 15](#) substituted for “gaming machines” (1.5.1995) by [1995 c. 4, s. 14](#), [Sch. 3 para. 11\(1\)\(a\)](#).

#### **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, [<sup>F32</sup>his contravention, failure to comply or refusal shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).]

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[<sup>F33</sup>(1A) This paragraph does not apply to any contravention or failure to comply with arrangements under paragraph 7A above or to any failure or refusal to comply with a requirement made under or for the purposes of any such arrangements.]

<sup>F34</sup>(2) .....

#### Textual Amendments

- F32** Words in Sch. 4 Pt. II para. 16(1) substituted (1.1.1995) by 1994 c. 9, s. 9, Sch. 4 Pt. V para. 65(1) (with s. 19(3)); S.I. 1994/2679, art. 3.
- F33** Sch. 4 Pt. II para 16(1A) inserted (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(9).
- F34** Sch. 4 Pt. II para. 16(2) repealed (1.1.1995) by 1994 c. 9, ss. 9, 258, Sch. 4 Pt. V para. 65(2), Sch. 26 Pt. III Note (with s. 19(3)); S.I. 1994/2679, art. 3.

- 17 (1) If a justice of the peace or, in Scotland, a justice (within the meaning of section 462 of the <sup>M4</sup>Criminal Procedure (Scotland) Act) is satisfied on information on oath that there is reasonable ground for suspecting that [<sup>F35</sup>amusement machines] are or have been, or are to be, provided [<sup>F36</sup>for play] on any premises in contravention of [<sup>F37</sup>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 [<sup>F38</sup>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—
- seize and remove any records, accounts or other documents, or any [<sup>F39</sup>amusement machine][<sup>F40</sup>(including any machine appearing to the officer to be an amusement machine or to be capable of being used as such)], 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;
  - 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

- F35** Words in Sch. 4 para. 17(1) substituted for “gaming machines” (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(a).
- F36** Words in Sch. 4 Pt. II para. 17(1) substituted for “for gaming” (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(10)(a).
- F37** Words substituted by Finance Act 1984 (c. 43, SIF 12:2), s. 7, Sch. 3 Pt. I para. 7(12)
- F38** Words substituted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119, Sch. 6 Pt. II para. 39(d)
- F39** Words in Sch. 4 para. 17(2)(a) substituted for “gaming machine” (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(a).
- F40** Words in Sch. 4 Pt. II para. 17(2)(a) substituted (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(10)(b).

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#### Modifications etc. (not altering text)

- C2** Sch. 4 para. 17(2) powers of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), Sch. 1 Pt. I para. 29; S.I. 2003/708, art. 2(a)(j)
- C3** Power(s) of seizure extended (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 29; S.I. 2003/708, art. 2(a)(c)(j)

#### Marginal Citations

- M4** 1975 c. 21(39:1).

- 18 Where an officer finds [<sup>F41</sup>amusement machines] provided on any premises in such circumstances that [<sup>F42</sup>an][<sup>F43</sup>amusement machine] licence is required so as to authorise them so to be provided and [<sup>F44</sup>the officer is satisfied, having regard to the number and description of— [<sup>F45</sup>those machines which are authorised by the [<sup>F43</sup>amusement machine] licence or licences produced to him]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

- F41** Words in Sch. 4 para. 18 substituted (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(a).
- F42** Word in Sch. 4 para. 18 substituted for “a” (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(b)
- F43** Words in Sch. 4 para. 18 substituted for “gaming machine” (1.5.1995) by 1995 c. 4, s. 14, Sch. 3 para. 11(1)(a).
- F44** Words substituted by Finance Act 1984 (c. 43, SIF 12:2), s. 7, Sch. 3 para. 7(13)
- F45** Words in Sch. 4 para. 18 substituted for Sch. 4 para. 18(a)(b) (1.5.1995) by 1994 c. 9, s. 6, Sch. 3 para. 3(9)(11).



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