



Scotland Act 2016

2016 CHAPTER 11

PART 4

OTHER LEGISLATIVE COMPETENCE

52 Gaming machines on licensed betting premises

- (1) In Section B9 in Part 2 of Schedule 5 to the Scotland Act 1998 (betting, gaming and lotteries) at the end insert—

“Exception

In the case of a betting premises licence under the Gambling Act 2005, other than one in respect of a track, the number of gaming machines authorised for which the maximum charge for use is more than £10 (or whether such machines are authorised).”

- (2) Section 172 of the Gambling Act 2005 (gaming machines) is amended as follows.

- (3) In subsection (11) for “Secretary of State” substitute “ appropriate Minister ”.

- (4) After that subsection insert—

“(12) In subsection (11) “the appropriate Minister” means—

- (a) the Scottish Ministers, so far as, in the case of a betting premises licence in respect of premises in Scotland and not in respect of a track, the order varies—
 - (i) the number of gaming machines authorised for which the maximum charge for use is more than £10, or
 - (ii) whether such machines are authorised;
- (b) otherwise, the Secretary of State.”

- (5) In section 355 of that Act (regulations, orders and rules)—

- (a) in subsection (1) after “the Secretary of State” insert “ or the Scottish Ministers ”, and
- (b) for subsections (9) and (10) substitute—

Changes to legislation: Scotland Act 2016, Section 52 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- “(9) Subsection (3) does not apply to regulations made by the Scottish Ministers (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010: functions exercisable by Scottish statutory instrument).
- (10) Regulations made by the Scottish Ministers under a provision specified in subsection (4), or under section 285, and an order made by the Scottish Ministers under section 172, shall be subject to the affirmative procedure.
- (11) Any other regulations made by the Scottish Ministers under a provision of this Act shall be subject to the negative procedure.”
- (6) The amendments made by this section do not apply in relation to a betting premises licence issued before this section comes into force.

Commencement Information

II [S. 52](#) in force at 23.5.2016, see [s. 72\(7\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/455, reg. 3 by [S.I. 2019/1438 reg. 2](#)