

GAMING ACT 1968

LOTTERIES AND AMUSEMENTS ACT 1976

The Gaming Act (Variation of Monetary Limits) (No. 2) Order 1995

The Amusements with Prizes (Variation of Fees) Order 1991

The Gaming Act (Variation of Fees) (No. 2) Order 1991

The Amusements with Prizes (Variation of Monetary Limits) Order 1995

The attention of occupiers and prospective occupiers of amusement parks, arcades and other premises on which amusements with prizes or gaming machines are or will be provided, is drawn to the provisions of section 34 of and Schedule 9 to the 1968 Act and section 16 of and Schedule 3 to the 1976 Act. A summary of the main provisions is set out below.

Gaming at Commercial Establishments: Two separate forms of gaming are subject to the provisions of the Acts, namely:

- (1) The use of machines for gaming to which part III of the Gaming Act 1968 applies, i.e. all machines which -
 - (a) Are constructed or adapted for playing a game of chance by means of the machine and
 - (b) Have a slot or other aperture for the insertion of money or money's worth in the form of cash or tokens,for which a permit under s.34 of the 1968 Act is required.
- (2) The provision of amusements with prizes otherwise than by such machines, for which a permit under s.16 of the 1976 Act is required.

In both these cases gaming is unlawful unless the appropriate kind of permit has been granted by the local authority within whose area the premises are situated and is in force under the Acts.

The only premises for which local authorities can grant permits for the use of machines giving all-cash prizes are amusements arcades (i.e. premises used wholly or mainly for the provision of amusements by means of machines), subject to restrictions on access to people under 18. Liquor licensed premises, bingo clubs and casinos licensed under Part II of the Gaming Act, and licensed betting offices can also have these machines, but the permits or licences are granted by the licensing justices.

Applications for grant/renewal/refusal of Permits: An application for the grant of a permit (as appropriate) in respect of any premises should be made to the local authority of the area by the occupier or prospective occupier. Renewal of the permit may be applied for from time to time by the holder.

In each case the grant or renewal of a permit is at the discretion of the local authority, and if granted or renewed will cease to be in force at the expiration of three or more years as may be specified by the authority.

A fee of £32.00 is payable to the authority on the grant (or renewal) of a permit under sect.34(1) of the Gaming Act or sect.16 of the Lotteries and Amusements Act. The fee payable for a permit for all-cash machines is fixed annually by the local authority up to a maximum of £250. Please enquire of the authority as to the current fee.

The local authority may not refuse an application for the grant or renewal of a permit without first giving the applicant or his representative an opportunity of appearing before and being heard by the authority (or a

committee thereof). The authority may always refuse to grant or renew a permit on the ground 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 or gaming by way of machines should take place thereon. A renewal may also be refused in respect of any premises if the authorised representative of the local authority have been refused reasonable facilities to inspect the premises.

Appeal against refusal: Where the local authority refuse an application for grant (or renewal) they must notify the applicant forthwith and furnish him a written statement of the grounds thereof; and the applicant may appeal against a refusal to the Crown Court. Notice of any such appeal must be given to the proper officer of the local authority. If notice of appeal against refusal of a renewal is duly given, the permit will not cease to be in force until the determination or abandonment of the appeal.

Transferability of Permit, and death of holder: A permit will not be transferable and will be of no effect at any time when its holder is not the occupier of the premises; but in the event of his death then for six months thereafter the permit will be deemed to continue in force and, except for purposes of renewal, his legal personal representatives shall be deemed to be the holder.

Further permits not required: Where a permit under s.34 of the 1968 Act is in force in respect of premises used mainly for the purposes of amusements by means of machines, it is not necessary to obtain a further permit under s.16 of the 1976 Act in order to provide amusements with prizes. Similarly, where a permit under s.16 of the 1976 Act is in force in respect of premises used wholly or mainly for the purpose of a pleasure fair consisting of amusements with prizes otherwise than by machines, a further permit under s.34(1) of the 1968 Act is not necessary in order to provide amusements with prizes by means of machines.

Travelling Showmen's Pleasure fairs: Amusements with prizes are also permissible at any 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 on more than 27 days for the holding of such a pleasure fair; provided that the opportunity to win prizes is not the only, or the only substantial, inducement to persons to attend the fair. The use of machines or other means of gaming at a travelling showman's pleasure fair may not constitute the only, or the only substantial inducement to persons to attend the fair. All-cash machines are *not* permitted at such fairs.

In each case certain conditions must be observed and if they are broken every person concerned in the provision or conduct of the amusements of gaming will be guilty of an offence (punishable by a fine on summary conviction up to £5000) unless he can prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

Statutory conditions to be observed: The conditions are –

1. In respect of machines operated under a permit granted under section **34(1)** of the Gaming Act 1968:

s.34 - ..

- (2) The charge for play for playing a game once by means of the machine shall be one or more coins or tokens inserted in the machine of an amount or value not exceeding (or, if more than one, not in the aggregate exceeding) 25p.

- (3) Except as provided by subsections (4) and (9) of this section, in respect of any one game played by means of the machine no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than one (and only one) of the following, that is to say -
- (a) a money prize not exceeding £4.00 or a token which is, or two or more tokens which in aggregate are, exchangeable only for such a money prize;
 - (b) a non-monetary prize or prizes of a value or aggregate value not exceeding £8.00 or a token exchangeable only for such a non-monetary prize or such non-monetary prizes;
 - (c) a money prize not exceeding £4.00 together with a non-monetary prize of a value which does not exceed £8.00 less the amount of the money prize or at token exchangeable only for such a combination of a money prize and a non-monetary prize;
 - (d) one or more tokens which can be used for playing one or more further games by means of the machine and, in so far as they are not so used, can be exchanged for a non-monetary prize or non-monetary prizes at the appropriate rate.
- (4) The condition specified in subsection (3) of this section shall not be taken to be contravened by reason only that a player, after inserting in the machine an amount permitted in accordance with subsection (2) of this section and playing a game successfully, is afforded by the automatic action of the machine an opportunity to play one or more further games without inserting any further coin or token in the machine, if in respect of all those games -
- (a) he does not receive, and is not entitled to receive, any article other than a money prize or money prizes of an amount or aggregate amount not exceeding £4.00, and
 - (b) he does not receive, and is not entitled to receive, any other benefit or advantage apart from the opportunity to play the further game or games.
- (5) In the case of a travelling showmen's pleasure fair the opportunity to win prizes by means of amusements which constitute gaming (whether by the use of machines to which this Part of this Act applies or otherwise) shall not constitute the only, or the only substantial, inducements to persons to attend the fair.
2. In respect of machines operated on any premises in respect of which a **betting office** licence is in force:
- s.34 - . . .**
- (5B) The charge for play for playing a game once by means of the machine shall the same as that under subsection (2) of this section (*namely 25p*).
- (5C) No player or person claiming under a player shall receive, or be entitled to receive, in respect of any one game played by means of the machine, any article, benefit or advantage other than a money prize not exceeding £10 delivered by the machine.
- (5D) The condition specified in subsection (5C) of this section shall not be taken to be contravened by reason only that a player, after inserting in the machine an amount permitted in accordance with subsection (5B) of this section and playing a game successfully, is afforded by the automatic action of the machine an opportunity to play one or more further games without inserting and further coin in the machine, if in respect of all those games -
- (a) he does not receive, and is not entitled to receive, any article other than a money prize of an amount not exceeding £10.00, and
 - (b) he does not receive, and is not entitled to receive, any other benefit or advantage apart from the opportunity to play the further game or games.
3. In respect of machines operated under a permit granted under section 34(5E) of the Act either the conditions specified in subsections (2) to (3) and (5) of this section or those specified in subsections (5B) and (5C) of this section shall be observed.

(A permit under section 34(5E) permits both all-cash machines and other types of amusements with prizes machines.)

Sch. 9 . . .

10B(3)

- Where the permit is expressed to be granted for the purpose of section 34(5E) of this Act, it shall be subject to the following conditions, namely -
- (a) in the case of premises where admission is restricted to persons aged 18 or over, that no person under 18 is admitted to the premises; 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 conditions mentioned in section 34(5A) of this Act are observed is located in an area 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 the 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.

4. 1976 Act (amusements with prizes, other than machines):

s.16(3) . . .

- (a) that the amount paid by any persons for any one chance to win a prize does not exceed 30p; and
- (b) that the aggregate amount taken by way of the sale of chances in any one determination of winners, if any, of prizes does not exceed £30.00, and that the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and during the time when, the amusement is provided; and
- (c) that no money prize is distributed or offered which exceeds 30p; and
- (d) that the winning of, or the purchase of a chance to win, a prize does not entitle any person, whether or not subject to a further opportunity to win money or money's worth by taking part in any amusement with prizes or in any gaming or lottery.

The Gaming Act 1968 & Lotteries and Amusements Act 1976 is reproduced under the terms of Crown Copyright Policy Guidance issued by HMSO.