Draft Regulations laid before Parliament under section 355(4) of the Gambling Act 2005 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. XXXX

BETTING, GAMING AND LOTTERIES

The Categories of Gaming Machine (Amendment) Regulations 2009

Made - - - - 2009

Coming into force in accordance with regulation 1(1)

The Secretary of State makes the following Regulations in exercise of the power conferred by sections 236 and 355(1) of the Gambling Act 2005(**1**).

In accordance with section 355(4) of that Act a draft of this instrument was laid before and approved by resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Categories of Gaming Machine (Amendment) Regulations 2009 and come into force on the day after the day on which they are made.

(2) In these Regulations "the 2007 Regulations" means the Categories of Gaming Machine Regulations 2007(**2**).

Amendment of the 2007 Regulations

2.—(1) The 2007 Regulations are amended as follows.

(2) For regulation 3 substitute—

"**Definition of Category D gaming machine**

3.—(1) Where a machine is a money-prize machine, it is a Category D machine if—

(a) the maximum charge for use is no more than 10 pence; and

(b) the maximum prize value is no more than £5.

(2) Where a machine is a non-money prize machine (other than a crane grab machine), it is a Category D machine if—

(**1**) 2005 c. 19.
(**2**) S.I. 2007/2158.

(a) the maximum charge for use is no more than 30 pence; and

(b) the maximum prize value is no more than £8.

(3) Where a machine is a crane grab machine, it is a Category D machine if—

(a) the maximum charge for use is no more than £1; and

(b) the maximum prize value is no more than £50.

(4) Where a machine is a coin pusher or penny fall machine, it is a Category D machine if—

(a) the maximum charge for use is no more than 10 pence; and

(b) the maximum prize value is no more than £15, of which no more than £8 may be a money prize.

(5) In any other case, a machine is a Category D machine if—

(a) the maximum charge for use is no more than 10 pence; and

(b) the maximum prize value is no more than £8, of which no more than £5 may be a money prize.

(6) In this regulation a reference to—

(a) a money prize machine is a reference to a machine in respect of which every prize which can be won as a result of using the machine is a money prize;

(b) a non-money prize machine is a reference to a machine in respect of which every prize which can be won as a result of using the machine is a non-money prize;

(c) a crane grab machine is a reference to a non-money prize machine in respect of which—

(i) every prize which can be won as a result of using the machine consists of an individual physical object (such as a stuffed toy), and

(ii) whether or not a person using the machine wins a prize is determined by the person's success or failure in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects;

(d) a coin pusher or penny fall machine is a reference to a machine of the kind referred to in regulation 2(3) which is neither a money prize machine nor a non-money prize machine.

(7) Subject to paragraph (8), in this regulation "money prize" means a prize—

(a) in the form of cash or a cheque (or partly in the form of cash and partly in the form of a cheque), or

(b) in the form of a document or object which—

(i) enables the person entitled to it to redeem its value, on the premises where the machine is made available for use, in the form of cash or a cheque (or partly in the form of cash and partly in the form of a cheque), and

(ii) may, but need not, also enable that person to use it to pay for goods or services (including facilities for gambling) available on the premises where the machine is made available for use;

and "non-money prize" is any prize which is not a money prize.

(8) A document or object is not a money prize if it is something which ordinarily is capable of being used for a purpose other than one referred to in paragraph (7)(b).".

(3) In regulation 4—

(a) for "50 pence" substitute "£1";