Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2004 No. (N.I.)

NORTHERN IRELAND

The Betting and Gaming (Northern Ireland) Order 2004

Made - - - - 2004

Coming into operation in accordance with Article 1

At the Court at Buckingham Palace, the ** day of ** 2004

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

Title and commencement

1.—(1) This Order may be cited as the Betting and Gaming (Northern Ireland) Order 2004.

(2) This Article and Article 2 shall come into operation on the expiration of 7 days from the day on which this Order is made.

(3) The following provisions shall come into operation on the expiration of 14 days from the day on which this Order is madeæ

(a) Article 3;

(b) Article 4 (together with Schedule 1);

(c) Article 11;

(d) Article 12(1) and (2); and

(e) in Schedule 4, the entries relating to Articles 3(1D)(a), 36(3), 48(1), 86(8) and 130 of the principal Order, and Article 12(3) so far as relating thereto.

(4) The following provisions shall come into operation on such day or days as the Department for Social Development may by order appointæ

(a) Article 5(1) (together with Schedules 2 and 3);

(b) Article 6;

(c) Articles 8 to 10; and

(d) in Schedule 4, the entries relating to Articles 32, 107, 174(3)(a), 178(2) and 186(1) of the principal Order, and Article 12(3) so far as relating thereto.

(5) The remaining provisions of this Order shall come into operation on the expiration of three months from the day on which this Order is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order "the principal Order" means the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11).

Football pools

3.—(1) In Article 3 of the principal Order (restriction on use of premises for betting transactions) —

(a) in paragraph (1A)(a) (restriction not to apply to premises where coupons or entry forms for qualifying competitions promoted by a registered pool promoter are delivered) after "post" there shall be inserted "and any of such other means as may be prescribed by regulations";

(b) in paragraph (1D)(a) (which defines "qualifying competition" so as to require that forecasts in the competition are made on football games played on a Saturday, Sunday or bank holiday), the words from "to be played" to "1971" shall be omitted.

(2) In Article 44(3) of the principal Order (restriction on pool betting not to apply to a registered pool promoter) after "post" there shall be inserted "and any of such other means as may be prescribed by regulations".

Betting on tracks

4.—(1) In Article 3 of the principal Order (restriction on use of premises for betting transactions) —

(a) in paragraph (3) at the beginning there shall be inserted "Subject to paragraph (3A),";

(b) after paragraph (3) there shall be inserted—

"(3A) In the case of a licensed track, paragraph (3) shall not apply in relation to the use of a permanent structure by a licensed bookmaker for the purposes of his business if—

(a) the use takes place on a day on which the public are admitted to the track for the purpose of attending horse or, as the case may be, dog racing and no other sporting events are taking place; and

(b) no betting transactions in connection with races run on the track are effected in the course of the use.".

(2) In Article 36 of the principal Order (restriction of bookmaking and pool betting on tracks) paragraph (3) shall be omitted.

(3) After Article 46(3) of the principal Order (charges to bookmakers on licensed tracks) there shall be added—

"(4) In paragraph (2) the reference to facilities shall be construed as a reference to facilities other than in relation to a permanent structure.".

(4) In Article 48(1) of the principal Order (restriction on betting on tracks on certain days) the words "any Sunday," shall be omitted.

(5) After Article 49(3) of the principal Order (occupiers of licensed tracks not to have an interest in bookmaking on the track) there shall be added—

"(4) Paragraph (1) shall only apply in relation to bookmaking in connection with races run on that track.".

(6) After Article 53 of the principal Order there shall be inserted—

"**Rights of betting workers as respects Sunday working**

53A. Schedule 8A shall have effect for the purpose of making provision about the rights of betting workers as respects Sunday working.

Exclusion of Sunday Observance Act (Ireland) 1695

53B. The Sunday Observance Act (Ireland) 1695 does not apply to any person by reason of his having effected a betting transaction on a non-sporting event at a track which is open on a Sunday and on which betting is taking place.".

(7) After Schedule 8 to the principal Order there shall be inserted as Schedule 8A the provisions set out in Schedule 1 to this Order.

Bookmaking office licences

5.—(1) An application for the grant of a bookmaking office licence shall be made to a county court; and, accordingly, the amendments to the principal Order set out in Schedule 2 and the transitional provisions contained in Schedule 3 shall have effect.

(2) In Article 12 of the principal Order (grant of bookmaking office licences) paragraph (4)(i) shall be omitted.

Conduct of licensed offices

6. In Article 32 of the principal Order (conduct of licensed offices)—

(a) paragraphs (2) and (4A)(a) shall be omitted;

(b) in paragraph (5) at the beginning there shall be inserted "Subject to paragraph (6) and Article 95(1)(b),";

(c) for paragraph (6) there shall be substituted—

"(6) A licensed office may be used as a place where persons may collect amounts payable by way of winnings in respect of competitions of the kind mentioned in Article 3(1A)(a).";

(d) in paragraph (11) after "other than" there shall be inserted "an advertisement published in a material form or";

(e) in paragraph (12)—

(i) after "if" there shall be inserted "it is published otherwise than in a material form and";

(ii) sub-paragraph (b)(iii) shall be omitted;

(f) paragraph (14)(b) shall be omitted.

Registration of clubs

7.—(1) In Article 96(4)(c) of the principal Order (registration of clubs) for "2 years or, if it is a sporting club," there shall be substituted "not less than".

(2) In paragraph 1(a) of Schedule 13 to the principal Order (applications for registration of clubs) for the words from "than" to "years" there shall be substituted "than 1 year".

Gaming machines

8.—(1) In Article 107 of the principal Order (gaming machines restricted from certain premises)—

(a) in paragraph (1)—

(i) after "1996" there shall be inserted "or a licensed office";

(ii) ", as the case may be," shall be omitted;

(iii) after "licensed premises" there shall be inserted "or, as the case may be, the licensed office";

(b) in paragraph (4)—

(i) ", as the case may be," shall be omitted;

(ii) for "in respect of the premises" there shall be substituted "or the licensed bookmaker, as the case may require";

(c) after paragraph (5)(b) there shall be inserted—

"and

(c) in the case of a licensed office, on the application of the licensed bookmaker,";

(d) in paragraph (8) at the end there shall be added—

"and

(c) in the case of a licensed office, on the bookmaking office licence.".

(2) In Article 108 of the principal Order (use of gaming machines on other premises)—

(a) after paragraph (1)(b) there shall be inserted—

"(ba) on any licensed office;";

(b) after paragraph (4) there shall be inserted—

"(4A) Not more than 2 gaming machines (or such other number as the Department may specify, by order subject to affirmative resolution) shall be made available for gaming on any licensed office.";

(c) in paragraph (7)—

(i) after "paragraphs" there shall be inserted "(7A),";

(ii) in sub-paragraph (a) for "£5" there shall be substituted "£8";

(iii) for sub-paragraph (c) there shall be substituted—

"(c) a money prize together with a non-monetary prize of an aggregate value not exceeding £8 or a token or tokens exchangeable only for such a combination of a money prize and a non-monetary prize.";

(d) after paragraph (7) there shall be inserted—

"(7A) In the case of bingo club premises, in addition to the condition specified in paragraph (7), paragraph (8) shall apply in respect of any 1 game played by means of a gaming machine installed on such premises.";

(e) in paragraph (8)—

(i) after "(b)" there shall be inserted "or on any licensed office";

(ii) after "money prize" there shall be inserted "delivered by the machine of an amount";

(f) in paragraph (9)(a) for the words from "£5" onwards there shall be substituted "£8 or, in relation to a machine to which paragraph (8) applies, a money prize or money prizes of an amount or aggregate amount not exceeding £25 delivered by the machine;";

(g) in paragraph (11)(a)—

(i) after "(b)" there shall be inserted ", (ba)";

(ii) after "liquor or" there shall be inserted "the licensed bookmaker or".

Supplementary provisions with respect to use of gaming machines in licensed offices

9.—(1) In Article 8(6) of the principal Order (power to refuse grant of a bookmaker's licence if applicant has been convicted of certain offences) after "this Part" there shall be inserted "or Chapter III of Part III".

(2) In Article 12(6)(b) of the principal Order (power to refuse grant of a bookmaking office licence if applicant has been convicted of certain offences) after "this Part" there shall be inserted "or Chapter III of Part III".

(3) In Article 17(4) of the principal Order (power to refuse renewal of a bookmaker's licence if applicant has been convicted of certain offences) after "this Part" there shall be inserted "or Chapter III of Part III".

(4) In Article 19(4)(c) of the principal Order (power to refuse renewal of a bookmaking office licence if a person has been convicted of certain offences in connection with the licensed office) after "it, or" there shall be inserted "of Chapter III of Part III, or any regulations made under it, or".

(5) In Article 23(8)(b) of the principal Order (power to refuse transfer of a bookmaking office licence if applicant has been convicted of certain offences) after "this Part" there shall be inserted "or Chapter III of Part III".

(6) In Article 27(1)(e) of the principal Order (power to revoke a bookmaker's licence if the holder has been convicted of certain offences) after "this Part" there shall be inserted "or Chapter III of Part III".

(7) In Article 28(1)(b) of the principal Order (power to revoke a bookmaking office licence if a person has been convicted of certain offences in connection with the licensed office) after "it, or" there shall be inserted "of Chapter III of Part III, or any regulations made under it, or".

(8) In Article 53(1)(a) of the principal Order (disqualification of licensed bookmaker on conviction of certain offences) after "Part" there shall be inserted "or Chapter III of Part III".

(9) After Article 174(2)(f) of the principal Order (register of licences, certificates and permits) there shall be inserted—

"(fa) particulars of any declaration made in respect of a licensed office under Article 107 and any cancellation of any such declaration;".

(10) In Article 182(2) of the principal Order (forfeiture of gaming machines as statutory consequence of conviction)—

(a) in sub-paragraph (b)—

(i) after "1996" in the first place where it occurs there shall be inserted ", a licensed office";

(ii) after "1996" in the second place where it occurs there shall be inserted ", the licensed bookmaker";