Draft Order laid before Parliament under section 1(4) of the Deregulation and Contracting Out Act 1994 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

DEREGULATION

The Deregulation (Bingo and Other Gaming) Order 2002

Made - - - -	*2002*
Coming into force - -	*2002*

Whereas:

(a) the Secretary of State is of the opinion that certain provisions of the Gaming Act 1968(**1**) and the Gaming (Bingo) Act 1985(**2**) which are the subject of this Order impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending or repealing the provisions concerned and by making certain other provision it is possible to remove or reduce the burdens without removing any necessary protection;

(b) the Secretary of State has consulted such organisations as appear to the Secretary of State to be representative of interests substantially affected by the Secretary of State's proposals and such other persons as the Secretary of State considers appropriate;

(c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;

(d) a document setting out the Secretary of State's proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994(**3**) and the period for parliamentary consideration under section 4 of that Act has expired;

(e) the Secretary of State has had regard to the representations made during that period;

(f) a draft of this Order has been laid before Parliament with a statement giving details of those representations and the changes to the Secretary of State's proposals in the light of those representations; and

(g) a draft of this Order has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon her by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order.

1.—(1) This Order may be cited as the Deregulation (Bingo and Other Gaming) Order 2002.

(**1**) 1968 c. 65.
(**2**) 1985 c. 35.
(**3**) 1994 c. 40.

(2) This Order shall come into force 28 days after the day on which it is made.

(3) This Order does not extend to Northern Ireland.

2. In section 14(4) of the Gaming Act 1968 (notice of charges) omit paragraph (b) and the word "and" preceding it.

3.—(1) Section 32 of that Act (power for licensing authority to authorise more machines than are permitted by section 31) is amended as follows.

(2) In subsection (1) for "a direction under this section" substitute

(a) "in the case of any premises, a direction under subsection (2);

(b) in the case of bingo club premises (as defined by section 20), a direction under subsection (3)."

(3) In subsection (2)(**4**)—

(a) for "such a request is made" substitute "a request is made for a direction under this subsection", and

(b) for "this section" substitute "this subsection".

(4) At the end insert—

"(3) Where a request is made for a direction under this subsection, and the licensing authority grant or renew the licence, they may, on doing so, give a direction under this subsection specifying a maximum number of AWP machines.

(4) At any time when—

(a) a direction under subsection (3) is in force, and

(b) the number of AWP machines available for gaming on the premises does not exceed the number specified in the direction,

those machines shall be disregarded for the purposes of section 31(**5**).

(5) An "AWP" machine is a machine to which this Part of this Act applies and in respect of which either—

(a) the conditions specified in section 34(2) and (3)(**6**), or

(b) the conditions specified in section 34(5B) and (5C)(**7**),

are observed.

(6) In the case of a travelling showmen's pleasure fair, subsection (4) does not apply to a machine which is an AWP machine by virtue of subsection (5)(a) unless the condition specified in section 34(5) is observed."

(5) In section 34 of that Act (commercial uses of machines for gaming by way of amusement with prizes), in subsection (5E)(c), for "32" substitute "32(2)".

4. In section 1(1)(c) of the Gaming (Bingo) Act 1985 ("multiple bingo") after "prize" (in each place where it occurs) insert "or prizes".

(**4**) Section 32(2)(b) was amended by article 7 of S.I.1996/1359.
(**5**) Section 31 was amended by article 5 of S.I. 1996/1359, article 2 of S.I. 1998/2152 and article 5 of S.I. 1999/2136.
(**6**) Subsections (2) and (3) were amended by S.I. 1997/2079, and subsection (3) was amended by S.I. 1995/2288.
(**7**) Subsections (5B) and (5C) were inserted by S.I. 1996/1359 and subsection (5C) was amended by S.I. 1998/2152.