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*Status: Point in time view as at 01/04/2016.*

*Changes to legislation: The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, Cross Heading: Legal proceedings is up to date with all changes known to be in force on or before 13 August 2024. 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)*

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## STATUTORY INSTRUMENTS

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# 1985 No. 1204

## The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

### PART VI

#### MISCELLANEOUS

##### *Legal proceedings*

##### ***Prosecution and punishment of offences***

**181.**—(1) Schedule 18 sets out in tabular form the manner in which offences under this Order are punishable on conviction.

(2) In relation to an offence under a provision of this Order specified in column 1 of Schedule 18 (the general nature of that offence being described in column 2)—

- (a) column 3 shows whether the offence is punishable on summary conviction or on indictment or in either one way or the other;
- (b) column 4 shows the punishment which may be imposed on a person convicted of the offence in the way specified in relation thereto in column 3 (that is to say, summarily or on indictment), any reference in column 4 to a period of years or months being construed as a reference to a term of imprisonment for that duration.

(3) In Schedule 18—

- (a) a reference to a period of imprisonment shall be construed as a reference to the maximum term of imprisonment which may be imposed for the offence;
- (b) a reference to a fine without a qualifying reference to a sum of money shall be construed as a reference to an unlimited fine;
- (c) a reference to a level shall be construed as a reference to that level on the standard scale; and
- (d) a reference to the statutory maximum or a level shall be construed as the maximum fine which may be imposed for that offence.

(4) This Article and Schedule 18 shall be subject to any other provision of this Order with respect to the prosecution and punishment of any offence specified in that Schedule.

##### ***Forfeiture of gaming machines as statutory consequence of conviction***

**182.**—(1) Without prejudice to Article 183, where a person has been convicted of an offence under Article 95(2) in respect of the use of a gaming machine that gaming machine shall, unless the court by or before which the person has been convicted makes an order under paragraph (2), as a statutory consequence of the conviction, stand forfeited.

(2) Where, on the application of—

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- (a) in the case of a registered club, the chairman or secretary of the club, or
- (b) in the case of bingo club premises, licensed premises within the meaning of the<sup>[F1]</sup> Licensing (Northern Ireland) Order 1996<sup>[F2]</sup>, a licensed office] or premises for which an amusement permit is in force, the holder of the bingo club licence, the holder of the licence granted under that<sup>[F1]</sup> Order of 1996<sup>[F2]</sup>, the licensed bookmaker] or the holder of the amusement permit, as the case may require,

the court is satisfied that the offence mentioned in paragraph (1) was committed by reason of the failure to renew the registration of the club, the bingo club licence, the licence granted under that<sup>[F1]</sup> Order of 1996<sup>[F2]</sup>, the bookmaking office licence] or the amusement permit, as the case may require, and that there was good reason for the failure to so renew, the court may order that the gaming machine to which the offence relates shall not, as a statutory consequence of the conviction, stand forfeited.

(3) Where, as a statutory consequence of a conviction under this Order, a gaming machine stands forfeited, then, notwithstanding any enactment or rule of law, it shall not be necessary for the court—

- (a) to pronounce the fact of such forfeiture at the time of adjudication; or
- (b) to record the fact of such forfeiture in the Order Book or in the order of convictions.

(4) A gaming machine forfeited as a statutory consequence of a conviction under this Order shall be destroyed or dealt with in such other manner as the court may direct.

**F1** 1996 NI 22  
**F2** 2004 NI 1

### ***Forfeiture on order of court***

**183.**—(1) Subject to paragraph (2), the court by or before which a person is convicted of an offence under this Order may order anything shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

(2) The court shall not order anything to be forfeited under paragraph (1), where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

### ***<sup>[F3]</sup> Appeals***

**184.**—(1) Without prejudice to Articles 61 and 65 of the County Courts (Northern Ireland) Order 1980, any party to the proceedings who is dissatisfied with a decision of a county court on an application made to it under this Order may appeal from that decision as if the decision had been made in exercise of the jurisdiction conferred by Part III of that Order of 1980 and the appeal were brought under Article 60 of that Order of 1980.

(2) For the purposes of—

- (a) paragraph (1),
- (b) Articles 61 and 62 of the County Courts (Northern Ireland) Order 1980,
- (c) Articles 143 and 146 of the Magistrates' Courts (Northern Ireland) Order 1981,

a person who appears as an objector in any proceedings under this Order shall be deemed to be a party to the proceedings.]

**F3** 2004 NI 1

***Procedure in connection with revocation, cancellation and disqualification***

**185.**—(1) A court which—

- (a) revokes a bookmaker's licence, a bookmaking office licence, a bingo club licence, a gaming machine certificate or a lottery certificate, or
- (b) cancels the registration of a club or cancels an amusement permit or a pleasure permit, or
- (c) makes a disqualification order in respect of a bookmaker's licence or a bookmaking office licence under Article 30 or 53 or in respect of a bingo club licence under Article 74 or 79 or in respect of a gaming machine certificate or a gaming machine permit under Article 94 or 125 or in respect of a lottery certificate under Article 151 or 152,

shall order the holder of the licence, certificate or permit or, in the case of the cancellation of a club's registration, the chairman or secretary of the club to deliver that licence, certificate or permit or, as the case may require, the certificate of registration of the club to the clerk of the court within a period specified in the order of the court, and if the person so ordered contravenes that court order he shall be guilty of an offence.

(2) The clerk of a court to whom a licence, certificate or permit is delivered under paragraph (1) shall—

- (a) in the case of a licence, certificate or gaming machine permit,—
  - (i) if he is not the clerk of petty sessions who keeps the register in which particulars of the licence, certificate or permit are recorded or, in the case of a certificate of registration of a club, in which the club is registered, send the licence, certificate or permit to that clerk of petty sessions; or
  - (ii) if he keeps that register, retain the licence, certificate or permit; or
- (b) in the case of an amusement permit or a pleasure permit, send the permit to the district council by which the permit was granted.

(3) The clerk of a court which revokes a licence, certificate or permit, cancels a registration or a permit or makes a disqualification order as mentioned in paragraph (1) or an order under Article 127 shall send notice of the revocation, cancellation or order—

- (a) in the case of the revocation of, or a disqualification order made in respect of, a bookmaker's licence, to the sub-divisional commander of the police sub-division in which the holder of the licence resides; and
- (b) in any other case, to the sub-divisional commander of the police sub-division in which the premises or club in respect of which the licence, registration or permit is in force or from which the holder of a certificate or permit carries on his business are situated.

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