



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 10

#### GAMING MACHINES

##### *Exceptions*

#### **247 Family entertainment centre gaming machine permit**

- (1) A person does not commit an offence under section 37 or 242 if he makes a Category D gaming machine available for use in accordance with a family entertainment centre gaming machine permit.
- (2) A family entertainment centre gaming machine permit is a permit issued by a licensing authority authorising a person to make Category D gaming machines available for use in a specified family entertainment centre.
- (3) Schedule 10 makes further provision about family entertainment centre gaming machine permits.

#### **Commencement Information**

- I1** S. 247(1) in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)
- I2** S. 247(2) in force at 13.11.2006 by S.I. 2006/2964, **art. 2(b)**
- I3** S. 247(3) in force at 13.11.2006 for specified purposes by S.I. 2006/2964, **art. 2(b)**
- I4** S. 247(3) in force at 21.5.2007 for specified purposes by S.I. 2006/3272, **art. 2(2)**, **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)

#### **248 No prize**

- (1) A person does not commit an offence under section 37 or 242 if—
  - (a) he makes a gaming machine available for use by an individual, and

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- (b) the individual does not, by using the machine, acquire an opportunity to win a prize.
- (2) The Secretary of State may make regulations creating exceptions from the offence under section 243 in connection with machines which, by virtue of their nature or any other specified matter, are not designed or expected to be used to provide an opportunity to win a prize.

**Commencement Information**

- I5** S. 248(1) in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)
- I6** S. 248(2) in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

**249 Limited prize**

- (1) A person does not commit an offence under section 37 or 242 if—
- (a) he makes a gaming machine available for use by an individual, and
  - (b) the individual does not, by using the machine, acquire an opportunity to win a prize of a value in excess of the amount that he pays for or in connection with his use of the machine.
- (2) For the purpose of subsection (1)(b)—
- (a) the reference to paying includes a reference to—
    - (i) paying money by way of an entrance charge,
    - (ii) using a coin to activate a gaming machine where the coin will not or may not be returned,
    - (iii) transferring money's worth, and
    - (iv) paying for goods or services at a price or rate which reflects the opportunity to use a gaming machine, and
  - (b) it is immaterial—
    - (i) to whom payment is made, and
    - (ii) who receives benefit from the payment.

**Commencement Information**

- I7** S. 249 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

**250 Single-machine supply and maintenance permits**

- (1) A person does not commit an offence under section 33 or 243(1) by reason only of the fact that he supplies, repairs, installs or maintains a gaming machine or part of a gaming machine in accordance with a permit under this section.
- (2) A person may apply to the Commission for a permit authorising him to supply, repair, install or maintain a gaming machine or part of a gaming machine.
- (3) An application under this section must—
- (a) be made in writing,

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- (b) specify the gaming machine or part in relation to which the permit is sought,
  - (c) give such details of the activity in relation to which the permit is sought as the Commission may direct,
  - (d) be in such form, and contain such other information, as the Commission may direct, and
  - (e) be accompanied by the prescribed fee.
- (4) On consideration of an application under this section the Commission may—
- (a) grant the application and issue a permit to the applicant, or
  - (b) refuse the application.
- (5) The Commission may grant an application under this section only if satisfied that the licensing objectives are irrelevant to the activity for which the permit is sought.
- (6) A permit under this section must specify—
- (a) a period, not exceeding one year, during which it has effect,
  - (b) the machine or part to which it relates, and
  - (c) the activities which it authorises.
- (7) A permit under this section may be subject to a condition attached by the Commission.
- (8) In subsection (3)(e) “prescribed” means prescribed by regulations made by the Secretary of State.

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**Commencement Information**

**18** S. 250 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

**Changes to legislation:**

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