
STATUTORY INSTRUMENTS

1985 No. 1204

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

PART III

GAMING

CHAPTER III

GAMING BY WAY OF A GAMING MACHINE

Gaming machine certificates and permits

Grant of gaming machine certificates or permits

85.—(1) An application for the grant of a gaming machine certificate shall be made to a court of summary jurisdiction.

(2) The procedure for applications for the grant of gaming machine certificates is set out in Part I of Schedule 11.

(3) An application for the grant of a gaming machine permit shall be made to a court of summary jurisdiction except where it is granted by the clerk of petty sessions under this Article.

(4) The procedure for applications for the grant of gaming machine permits is set out in Part I of Schedule 11 as modified by Part II of that Schedule.

(5) Subject to paragraph (6), where notice of an application for the grant of a gaming machine permit has been served upon the clerk of petty sessions, he may grant the gaming machine permit as if the application had been made to him and may do so in the absence of the applicant.

(6) Where—

(a) a notice of objection has been served on the clerk of petty sessions and has not been withdrawn; or

(b) the clerk is of the opinion, for any other reason, that an application for the grant of the gaming machine permit should be made to the court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(7) On an application for the grant of a gaming machine certificate or a gaming machine permit, the court shall hear the objections, if any, made under Schedule 11.

(8) A court shall, subject to paragraph (9), refuse an application for the grant of a gaming machine certificate or a gaming machine permit unless it is satisfied—

(a) that the procedure relating to the application set out in Schedule 11 has been complied with; and

Changes to legislation: *The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, Section 85 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes*

- (b) that the applicant is a fit person to hold a gaming machine certificate or, as the case may be, a gaming machine permit; and
 - (c) that the applicant is not a person in respect of whom a disqualification order in respect of a gaming machine certificate or, as the case may be, a gaming machine permit under Article 94 or 125 is in force; and
 - (d) that the applicant has not been refused the grant or renewal of a gaming machine certificate or, as the case may be, the grant of a gaming machine permit on the ground mentioned in sub-paragraph (b) or (e) within the immediately preceding 12 months; and
 - (e) that the applicant will not allow the business proposed to be carried on under the certificate or, as the case may be, the permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of a gaming machine certificate or a gaming machine permit.
- (9) A court may grant a gaming machine certificate or, as the case may be, a gaming machine permit notwithstanding that the procedure relating to the application set out in Schedule 11 has not been complied with if, having regard to the circumstances, it is reasonable to do so.
- (10) A court may refuse an application for the grant of a gaming machine certificate or a gaming machine permit if it is satisfied that the applicant has been convicted of an offence under this Part.
- (11) Where the court refuses an application for the grant of a gaming machine certificate or a gaming machine permit it shall specify in its order the reasons for its refusal.

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Changes and effects yet to be applied to :

- Instrument applied by [1997 c. 16 s.15\(3\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act applied by [1997 c. 16 s.15\(3\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 172A and cross-heading inserted by [2022 c. 14 \(N.I.\) s. 15\(1\)](#)
- art. 186(3A) inserted by [2022 c. 14 \(N.I.\) s. 15\(2\)\(a\)](#)