
STATUTORY INSTRUMENTS

1985 No. 1204

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

PART I INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

(2) This Order shall come into operation on such day or days as the Head of the Department may by order appoint^{F1}.

F1 partly exercised by SRs 1986/124; 1987/6, 185; 1990/376

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“aggregate amount” includes the aggregate value in money's worth;

“amusement permit” means a permit under this Order authorising gaming by means of gaming machines in accordance with the conditions of Article 108 in premises specified in the permit;

“appeal” includes an appeal by way of case stated;

“bet” does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming;

“betting transaction” includes the collection or payment of winnings on a bet and any transaction in which one or more of the parties is acting as a bookmaker;

“bingo” includes any version of that game, by whatever name called;

“bingo club” means a club established and conducted for the purpose of gaming by way of bingo;

“bingo club licence” means a licence under this Order authorising gaming to which Chapter II of Part III applies in premises specified in the licence;

“bingo club premises” means premises in respect of which a bingo club licence is in force;

“bookmaker” means any person who—

- (a) whether on his own account or as servant or agent of any other person carries on, whether occasionally or regularly, the business of receiving or negotiating bets; or

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(b) by way of business in any manner holds himself out, or permits himself to be held out, as a person who receives or negotiates bets;

so, however, that a person shall not be deemed to be a bookmaker by reason only of the fact that—

(i) he is, or is employed by, or is an agent or collector for, a person carrying on business as a registered pool promoter within the meaning of section 4(2) of the Betting, Gaming and Lotteries Act 1963; or

(ii) he operates, or is employed in operating, a totalisator; or

(iii) he is employed in a licensed office as the servant or agent of a licensed bookmaker;

“bookmaker's licence” means a licence under this Order authorising the holder of the licence to carry on the business of a bookmaker—

(a) ^{F2}at a track or at a recognised point-to-point . . . meeting; or

(b) in premises for which he holds a bookmaking office licence;

“bookmaking office licence” means a licence under this Order authorising a licensed bookmaker to carry on the business of a bookmaker in premises specified in the licence;

“business” includes any business whether or not carried on for profit;

“card” includes a ticket, and in relation to bingo means a set of numbers or symbols (in whatever form or lay-out) with which a player plays bingo, matching them against calls made by the house;

“certificate of registration” means a certificate of registration of a club issued under Article 97(1);

“certification year” means a period beginning on 1st April in any year and ending on 31st March in the next following year;

“charge for play”, in relation to a gaming machine, means the amount paid in money by or on behalf of a player in order to play 1 or more games by means of the gaming machine;

“date”, in relation to a lottery, means the date on which the winners in that lottery are ascertained;

“the Department” means the Department of Health and Social Services;

“distribute”, in relation to documents or other matters, includes distribution to persons or places within or outside Northern Ireland;

“exempt entertainment” means a bazaar, sale of work, fete, dinner, dance, sporting or athletic event or other entertainment of a similar character, whether limited to 1 day or extending over 2 or more days;

^{F3}

“game of chance” does not include any athletic game or sport, but, with that exception, and subject to paragraph (6), includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined;

“gaming” (subject to paragraphs (3) to (5)) means the playing of a game of chance for winnings in money or money's worth, whether any person playing the game is at risk of losing any money or money's worth or not;

“gaming machine” means any machine which—

(a) is constructed or adapted for playing a game of chance by means of it; and

(b) has a slot or other aperture for the insertion of money in the form of cash or tokens;

“gaming machine certificate” means a certificate authorising—

- (a) the supply of gaming machines; or
 - (b) the maintenance of the mechanism of gaming machines; or
 - (c) the supply and maintenance of the mechanism of gaming machines;
- “gaming machine permit” means a permit granted in relation to a gaming machine authorising—

- (a) the supply of that gaming machine; or
- (b) the maintenance of the mechanism of that gaming machine; or
- (c) the supply and maintenance of the mechanism of that gaming machine;

“licensed bookmaker” means a person who holds a bookmaker's licence;

“licensed office” means premises in respect of which a bookmaking office licence is in force;

“licensed track” means a track in respect of which a track betting licence is in force;

“licensing year”

- (a) in Part II, means a period beginning on 1st October in any year and ending on 30th September in the next following year; and
- (b) in Part III, means a period beginning on 1st April in any year and ending on 31st March in the next following year;

“lottery certificate” means a certificate authorising the holder of the certificate to act as an external lottery consultant or manager;

“machine” includes any apparatus;

“modify” means making additions, omissions, amendments or substitutions;

“money” includes a cheque, banknote, postal order or money order;

“newspaper” includes any journal, magazine or other periodical publication;

“notice” means notice in writing;

“owner”

- (a) in relation to a business, includes any personal representative, trustee, assignee, committee, liquidator, receiver or guardian carrying on the business in exercise of a power conferred by or under any statutory provision, will or deed;
- (b) in relation to premises, means the person for the time being receiving the rack rent of the premises, whether on his own account or as personal representative, trustee, assignee, committee, liquidator, receiver or guardian, or who would so receive the same if the premises were let at a rack rent;

“planning permission” has the same meaning as in the [^{F4}Planning Act (Northern Ireland) 2011];

“player”, in relation to a game of chance, includes any person taking part in the game against whom other persons taking part in the game stake, play or bet;

“pleasure permit” means a permit under this Order authorising the provision of amusements with prizes in accordance with the conditions of Article 154 in premises specified in the permit;

“police sub-division”, in relation to a sub-divisional commander, means the sub-division for which that commander acts;

“pool betting” has the same meaning as in the Betting and Gaming Duties Act 1981;

“pool betting business” means business involving the receiving or negotiating of bets made by way of pool betting;

“premises” includes any place;

“printing” includes writing and other modes of reproducing words in a visible form;

^{F5}“private lottery” means a lottery in Northern Ireland which is promoted for, . . .

- (a) members of one society established and conducted for purposes not connected with gaming, betting or lotteries; or
- (b) persons all of whom work on the same premises; or
- (c) persons all of whom reside on the same premises;

[^{F5}and which satisfies the conditions in paragraph (2A)];

“promoter”, in relation to any gaming organised under a bingo club licence, means the holder of that licence;

“public place” includes any place to which the public have access whether as of right or by permission and whether subject to or free of charge;

[^{F6}“qualified accountant” means a person who is eligible for appointment as a [^{F7}statutory auditor under Part 42 of the Companies Act 2006];]

“registered club” means a club registered—

- (a) under Part III; or
- (b) [^{F8}under the Registration of Clubs (Northern Ireland) Order 1996]

“registered society” means a society registered under Article 136;

“registration year” means a period beginning on 1st April in any year and ending on 31st March in the next following year;

“regulations” means regulations made by the Department;

“renewal date”

- (a) in Part II, in relation to any licensing year, means 1st September in that year;
- (b) in Parts III and IV, in relation to any licensing, certification or registration year, means 1st March in that year;

“society” includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association;

“society's lottery” means a lottery promoted on behalf of a society which is established and conducted wholly or mainly for one or more of the following purposes—

- (a) charitable purposes;
- (b) participation in or support of athletic sports or games or cultural activities;
- (c) purposes which are not described in sub-paragraph (a) or (b) but are neither purposes of private gain nor purposes of any commercial undertaking;

“sporting club” means a club occupying a hereditament to which Article 31 of the Rates (Northern Ireland) Order 1977 applies (rates relief);

“sub-divisional commander” means a sub-divisional commander of the Royal Ulster Constabulary;

“supply”, in Chapter III of Part III, in relation to a gaming machine, includes sale and conversion but does not include the supply of a gaming machine in part exchange against the purchase price of another gaming machine;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“ticket”, in relation to a lottery, includes any document evidencing the claim of a person to participate in the chances of the lottery;

“totalisator” means the contrivance for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not;

“track” means premises on which horse or dog races of any description take place;

“track betting licence” means a licence under this Order authorising the provision of betting facilities in accordance with regulations under Article 43 on a track specified in the licence;

“travelling showmen's pleasure fair” means a pleasure fair consisting wholly or mainly of amusements provided by travelling showmen which is held on any day of a year on premises not previously used in that year on more than 27 days for the holding of such a pleasure fair;

“vehicle” includes a railway carriage and also includes an aircraft while it is on the ground and a hovercraft whether it is on the ground or not;

“vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water;

“winnings” includes any prize or other winnings of any kind and any reference to the amount or to the payment of winnings shall be construed accordingly.

[^{F5}(2A) The conditions referred to in the definition of “private lottery” in paragraph (2) are—

- (a) the lottery must be promoted by persons each of whom—
 - (i) is one of the persons for whom the lottery is promoted; and
 - (ii) in the case of a lottery promoted for the members of a society, is authorised in writing by the governing body of the society to promote the lottery; and
- (b) the sale of tickets or chances in the lottery must be confined—
 - (i) to the persons for whom the lottery is promoted; and
 - (ii) in the case of a lottery promoted for the members of a society, to any other persons on the society's premises.]

(3) Where apart from this paragraph the playing of a game of chance would constitute gaming and also constitutes a lottery, then if—

- (a) in so far as it is a lottery, it is a lottery promoted as mentioned in Article 133, 134 or 135^[F9] or a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993], and
- (b) each winner of a prize is ascertained by reference to not more than 3 determining factors, each of those factors being either the result of a draw or other determination or the outcome of an event,

the playing of the game shall not constitute gaming for the purposes of this Order.

(4) In this Order “gaming” does not include the making of bets by way of pool betting.

(5) For the purposes of this Order a machine shall be taken not to be used for gaming if it is used in such a way that no game played by means of the machine can result in a player, or a person claiming under a player, receiving or being entitled to receive, any article, benefit or advantage other than 1 (but not both) of the following, that is to say—

- (a) an opportunity afforded by the automatic action of the machine, to play 1 or more further games without the insertion of any cash;
- (b) the delivery by means of the machine of 1 or more coins or tokens as a prize in respect of a game where 1 or more coins of an equal or greater value or aggregate value were inserted into the machine by or on behalf of the player in order to play that game.

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(6) In determining for the purposes of this Order whether a game which is played otherwise than against 1 or more other players is a game of chance and skill combined, the possibility of superlative skill eliminating the element of chance shall be disregarded.

(7) For the purposes of any provision of this Order which relates to making a charge, or charging a levy, it is immaterial whether a charge or levy is compulsory, customary or voluntary, and any reference to making a charge or charging a levy shall be construed accordingly.

(8) For the purposes of this Order in relation to a gaming machine, playing a game of chance by means of a machine includes playing a game of chance by means of a machine and partly by other means if (but only if) the element of chance in the game is provided by means of the machine.

(9) For the purposes of Articles 122, 126 and 153 where any payment falls to be made—

- (a) by way of a hiring, maintenance or other charge in respect of a gaming machine, or
- (b) in respect of any equipment for holding a lottery or gaming at any entertainment,

then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other machine or equipment is used for the purposes of lotteries or gaming, that payment shall be held to be an application of the proceeds of the entertainment for the purposes of private gain.

(10) For the purposes of this Order proceeds of any entertainment, lottery or gaming promoted on behalf of a society which is established and conducted either—

- (a) wholly for purposes other than purposes of any commercial undertaking; or
- (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games,

which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.

(11) For the purpose of this Order any purpose for which a society is established and conducted and which is calculated to benefit the society as a whole shall not be held to be a purpose of private gain by reason only that action in its fulfilment would result in benefit to any person as an individual.

(12) In this Order, a reference to the promotion of a society's lottery includes a reference to the conduct of that lottery, and “promote” shall be construed accordingly.

(13) In relation to a body corporate, persons who have a financial interest in the body corporate means—

- (a) shareholders;
- (b) debenture holders;
- (c) mortgagees;
- (d) any other persons, not being shareholders, debenture holders or mortgagees who have a beneficial interest in the body corporate.

(14) Any request which under any provision of this Order may be made to the holder of a licence may be made to any one of several joint holders or, if the holder is a body corporate, to the secretary or other executive officer of that body.

(15) In this Order any reference, in relation to a licence, certificate, permit or club, to the register of licences, certificates and permits or, as the case may be, the register of clubs is a reference to the part of the register which relates to that licence, certificate, permit or club.

(16) Subject to paragraph 2(2) and (3) of Schedule 1, paragraph 2(2) of Schedule 3 and paragraph 2(2) of Schedule 7, in this Order any reference to the police sub-division in which a person resides shall, where that person is a body corporate, be construed as a reference to each police sub-division

in which it carries on, or proposes to carry on, business under a licence or certificate granted under this Order.

(17) In this Order any reference to a sub-divisional commander of a police sub-division includes a reference to any other member of the Royal Ulster Constabulary nominated by him.

- F2** Art. 2(2): words in definition of "bookmaker's licence" repealed (17.8.2011) by [Wildlife and Natural Environment Act \(Northern Ireland\) 2011 \(c. 15\)](#), ss. 39(2), 40(1), **Sch. 3**; S.R. 2011/285, **art. 2**, Sch.
- F3** Art. 2(2): definition of "fire certificate" repealed (15.11.2010) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(2), **Sch. 4** (with art. 62); S.R. 2010/328, **art. 2**
- F4** Words in art. 2(2) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 6 para. 49** (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)
- F5** 1994 NI 8
- F6** SR 1993/67
- F7** Words in art. 2(2) in definition of "qualified accountant" substituted (6.4.2008) by [Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), arts. 2(2), 3(1), **Sch. 1 para. 2(e)** (with arts. 6, 11, 12)
- F8** 1996 NI 23
- F9** 1993 c. 39

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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\(2\)\(a\)](#)