

1986 No. 133

MAGISTRATES' COURTS

**Magistrates' Courts (Betting, Gaming, Lotteries and Amusements)
(No. 1) Rules (Northern Ireland) 1986**

Made 30th April 1986

Coming into operation 1st June 1986

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(a), paragraph 3 of Schedule 7, paragraph 2 of Schedule 11, paragraph 3 of Schedule 12, paragraph 2 of Schedule 13 and paragraph 2 of Schedule 14 to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(b) and of all other powers enabling him in that behalf on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:—

Citation and commencement

1. These rules may be cited as the Magistrates' Courts (Betting, Gaming, Lotteries and Amusements) (No. 1) Rules (Northern Ireland) 1986 and shall come into operation on 1st June 1986.

Interpretation

2.—(1) In these rules "the Order" means the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985; and a reference to an Article or Schedule by number is a reference to that Article or Schedule as numbered in the Order.

(2) Any reference in these rules to a Form by number is a reference to that Form so numbered in the Schedule to these rules.

(3) Any reference in these rules to the clerk of petty sessions is a reference to the clerk of petty sessions for the petty sessions district in which the application is made.

Gaming Machine Certificates and Gaming Machine Permits

Application for a gaming machine certificate or permit

3.—(1) An application for the grant of a gaming machine certificate shall be made to the court of summary jurisdiction for the petty sessions district in which the applicant carries on business.

(2) An application for the grant of a gaming machine permit shall be made to the court of summary jurisdiction for the petty sessions district in which the applicant resides or carries on business.

(3) Notice of application in accordance with Article 85(1) or (3) and Schedule 11 for the grant of a gaming machine certificate or, as the case may be, a gaming machine permit shall be in Form 1 or 2.

Application for the renewal of a gaming machine certificate

4.—(1) Notice of application in accordance with Article 87(1) or 89(1) and Schedule 12 for the renewal or, as the case may be, for the renewal out of time of a gaming machine certificate shall be in Form 3.

(2) A person intending to make such an application shall, before the renewal date or, in the case of a renewal out of time, before the date of the court sittings at which the application is to be made, deposit the gaming machine certificate with the clerk of petty sessions.

Newspaper notice

5. A notice published in the newspapers as required by paragraph 1(a) of Schedule 11, paragraph 1 of Schedule 12 or paragraph 1(b) of Schedule 13 in relation to the intended application for the grant or renewal of a gaming machine certificate or, as the case may be, the registration of a club shall—

- (a) include a reference to the requirement that any person who intends to object to such grant, renewal or registration must in accordance with paragraph 5 of Schedule 11, paragraph 6 of Schedule 12 or paragraph 4 of Schedule 13 serve notice of his intention to object upon the applicant and the clerk of petty sessions not less than one week before the date of the court sitting at which the application is to be made or the date of renewal, as the case may be; and
- (b) state that the permissible grounds of objection are such as are mentioned in Article 85(8) and (10), Article 88(2) and (4) or Article 96(4) and (6), as the case may be.

Objection to the grant or renewal of a gaming machine certificate or permit

6. A person intending to appear and object to the grant or renewal of a gaming machine certificate or to the grant of a gaming machine permit in accordance with Article 85(7) and paragraph 4 of Schedule 11 or Article 88(1) and paragraph 5 of Schedule 12, as the case may be, shall not less than one week before the date of the court sitting at which the application is to be heard or, as the case may be, the renewal date, serve on the applicant a notice in Form 4 with a copy to the clerk of petty sessions.

Application for the revocation of a gaming machine certificate

7. Notice of application in accordance with Article 92(1) and paragraph 3 of Schedule 7 for the revocation of a gaming machine certificate shall be in Form 5.

Objection to the revocation of a gaming machine certificate

8. A person intending to appear and object to the revocation of a gaming machine certificate in accordance with Article 92(3) and paragraph 4 of Schedule 7 shall not less than one week before the date of the court sitting at which the application is to be heard serve on the applicant a notice in Form 6 with a copy to the clerk of petty sessions.

Registration of Clubs

Application for the registration of a club

9.—(1) An application for the registration of a club shall be made to the court of summary jurisdiction for the petty sessions district in which the premises are situated.

(2) Notice of application in accordance with Article 96(1) and paragraph 2 of Schedule 13 for registration of a club shall be in Form 7.

Application for the renewal of registration of a club

10.—(1) Notice of application in accordance with Article 98(1) or 100(1) and Schedule 14 for the renewal or, as the case may be, the renewal out of time of registration of a club shall be in Form 8.

(2) A person intending to make such an application shall, before the renewal date or, in the case of a renewal out of time, before the date of the court sitting at which the application is to be heard, deposit the certificate of registration with the clerk of petty sessions.

Objection to the registration or renewal of registration of a club

11. A person intending to appear and object to the registration or, as the case may be, to the renewal of registration of a club in accordance with Article 96(3) and paragraph 3 of Schedule 13 or Article 99(1) and paragraph 3 of Schedule 14 shall not less than one week before the date of the court sitting at which the application is to be heard or, as the case may be, the renewal date, serve on the applicant a notice in Form 9 with a copy to the clerk of petty sessions.

Dated 30th April 1986

Hailsham of St. Marylebone, C.

Gaming Machine Certificates and Gaming Machine Permits

FORM 1

**Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
(Article 85(1), Schedule 11, para 2: Rule 3(3))**

Notice of application for the grant of a gaming machine certificate

Petty Sessions District of

County Court Division of

TAKE NOTICE that I/we (full [name(s) of applicant(s)] [title of body corporate]) of (full address(es) of [applicant(s)] [registered office of body]) intend to apply to the magistrates' court sitting at (place) on (date) at (time) for the grant of a gaming machine certificate for—

- * (i) the supply of gaming machines; or
- (ii) the maintenance of the mechanism of gaming machines; or
- (iii) the supply and maintenance of the mechanism of gaming machines.

The owner(s) of the business is/are (full name(s)) and (full address(es))

** The applicant is a body corporate and

(a) the names and full residential addresses of the directors are—

(names and addresses of directors);

(b) the names of persons having executive control are—

(names of any such persons);

(c) the names of persons having financial interest are—

(names of any such persons); and

(d) the following is a statement of the nature and extent of the financial interest of the persons named at (c) and includes a description of any right of direction or instruction to the directors given by that financial interest—

(statement)

Attached to the notice served on the clerk of petty sessions is the receipt of the Department of Health & Social Services, issued under Article 172(3) of the above Order in respect of payment of the charge specified in Article 172(j).

Dated this day of

19

Signature of Applicant(s)
or his/their solicitor

To the clerk of petty sessions for the above-named petty sessions district.

Copy to the sub-divisional commander at (police sub-division in which applicant carries on business) and

Copy to the sub-divisional commander at (police sub-division in which applicant resides, if different).

* Delete as appropriate.

** Insert only where the NOTICE relates to an application to be made by a body corporate.

FORM 2

**Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
(Article 85(3), Schedule 11, para 6: Rule 3(3))**

Notice of application for the grant of a gaming machine permit.

Petty Sessions District of
County Court Division of

TAKE NOTICE that I/we (full [name(s) of applicant(s)] [title of body corporate]) of (full address(es) of [applicant(s)] [registered office of body]) intend to apply to the magistrates' court sitting at (place) on (date) at (time) for the grant of a gaming machine permit for gaming machine (maker's name, name of model and serial number)

The circumstances in which the gaming machine permit is required are—
(state particulars)

The period for which the gaming machine permit is required is—
(state period)

The gaming machine permit is for—

- * (i) the supply of the gaming machine; or
- (ii) the maintenance of the mechanism of the gaming machine; or
- (iii) the supply and maintenance of the mechanism of the gaming machine.

The owner(s) of the business is/are (full name(s)) and (full address(es)).

** The applicant is a body corporate and

(a) the names and full residential addresses of the directors are—
(names and addresses of directors);

(b) the names of persons having executive control are—
(names of any such persons);

(c) the names of persons having a financial interest are—
(names of any such persons); and

(d) the following is a statement of the nature and extent of the financial interest of the persons named at (c) and includes a description of any right of direction or instruction to the directors given by that financial interest—

(statement)

Dated this day of

19

Signature of Applicant(s)
or his/their Solicitor

To the clerk of petty sessions for the above-named petty sessions district.

Copy to the sub-divisional commander at (police sub-division where applicant resides).

* Delete as appropriate.

** Insert only where the NOTICE relates to an application to be made by a body corporate.

FORM 3

**Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
(Articles 87(1), 89(1) and Schedule 12 Part I, paras 3 and 8; Rule 4(1))**

Notice of application for the renewal [out of time] of a gaming machine certificate.

Petty Sessions District of
County Court Division of

TAKE NOTICE that I/we (full [name(s) of applicant(s)] [title of body corporate]) of (full address(es) of [applicant(s)] [registered office of body]) intend to apply to the magistrates' court sitting at (place) on (date) at (time) for the renewal [out of time] of a gaming machine certificate.

* The applicant is a body corporate and

- (a) the names and full residential addresses of the directors are—
(names and addresses of directors);
- (b) the names of persons having executive control are—
(names of any such persons);
- (c) the names of persons having a financial interest are—
(names of any such persons); and
- (d) the following is a statement of the nature and extent of the financial interest of the persons named at (c) and includes a description of any right of direction or instruction to the directors given by that financial interest—

(statement)

- (e) the following is a statement of details of any change under heads (a) to (d) above since the [grant] [last renewal]

(statement of details)

Attached to the notice served on the clerk of petty sessions is the receipt of the Department of Health & Social Services issued under Article 172(3) of the above Order in respect of payment of the charge specified in Article 172(1)(k), and the gaming machine certificate.

Dated this day of

19

Signature of Applicant(s)
and his/their Solicitor

To the clerk of petty sessions for the above-named petty sessions district.

Copy to the sub-divisional commander at (police sub-division in which applicant carries on business) and

Copy to sub-divisional commander at (police sub-division in which applicant resides, if different).

* Insert only where the NOTICE relates to an application to be made by a body corporate.

FORM 4

Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
(Article 85(7), Schedule 11, para 4 and Article 88(1), Schedule 12, para 5: Rule 6)

Notice of intention to object to the [grant] [renewal] of a gaming machine certificate or the grant of a gaming machine permit.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name) of (full address)
 (state [rank if member of RUC] [capacity in which objection is made]) intend at the hearing of the application for the [grant] [renewal] of a gaming [machine certificate] [permit] to (name(s) of applicant(s)) to be heard at the magistrates' court sitting at (place) on (date) at (time) to appear and object to such [grant] [renewal] on the following grounds (being grounds specified in Article 85(8) and (10) or Article 88(2) and (4) of the above Order, or as the case may be).

(state briefly and precisely grounds of objection).

Dated this

day of

19 .

Signature of Objector or
 his Solicitor

To the applicant

Copy to the clerk of petty sessions for the above-named petty sessions district.

FORM 5

**Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
(Article 92(1) and Schedule 7 para 3: Rule 7)**

Notice of application for the revocation of a gaming machine certificate.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name) of (full address)
intend to apply to the magistrates' court sitting at (place) on (date)
at (time) for the revocation of the gaming machine certificate dated (date of grant or last
renewal) granted to (full name(s)) of (full
address(es)) on the following grounds (being grounds specified in
Article 92(1)(a) to (e) of the above Order):—

(state briefly and precisely grounds of application)

Dated this day of

19

Signature of Applicant or
his Solicitor

To the clerk of petty sessions for the above-named petty sessions district.

Copy to the holder(s) of the gaming machine certificate.

Copy to the sub-divisional commander at
(police sub-division in which the application is to be made).

Copy to the sub-divisional commander at
(police sub-division in which the holder of the gaming machine certificate resides, if different).

FORM 6

**Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1986
(Article 92(3) and Schedule 7, para 4: Rule 8)**

Notice of intention to object to the revocation of a gaming machine certificate.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name) of (full address)
(capacity in which objection is made)
intend at the magistrates' court sitting at (place) on (date) at (time)
to appear and object to the revocation of the gaming machine certificate dated
(date of grant or last renewal) granted to (full name(s))
of (full address(es)) on the following grounds:—

(state briefly and precisely grounds of objection)

Dated this day of

19

Signature of Objector or
his Solicitor

To the applicant

Copy to the clerk of petty sessions for the above-named petty sessions district.

REGISTRATION OF CLUBS

FORM 7

**Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
(Article 96(1) and Schedule 13, para 2: Rule 9)**

[Preliminary] [Final] Notice of application for the registration of a club

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name) of (full address)
 [chairman] [secretary] intend to apply to the magistrates' court sitting at (place)
 on (date) at (time) for the registration of —
 (state name of club) the objects of which are (state objects of club)
 which premises are owned by (full name) of (full
 address)

The estimated number of persons who will be members of the club during the period for
 which a certificate of registration will be in force is (state number, being not less than 25).

Dated this day of 19

Signature of [Chairman]
[Secretary] or Solicitor

To the clerk of petty sessions for the above-named petty sessions district.

Copy to the sub-divisional commander at (police sub-division in which the premises of the
club are situated).

* Copy to the district council for the district in which the premises of the club are situated.

* Delete for preliminary notice.

FORM 8

**Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
(Article 98(1) or 100(1) and Schedule 14, Part I or II: Rule 10)**

Notice of application for the renewal [out of time] of registration of a club.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name) [chairman] [secretary] of (full
 name of club) having its premises at (full address of premises of club)
 intend to apply to the magistrates' court at (place) on
 (date) at (time) for the renewal [out of time] of registration of
 the said club.

Dated this day of 19

Signature of [Chairman]
[Secretary] or Solicitor

To the clerk of petty sessions for the above-named petty sessions district.

Copy to the sub-divisional commander at (police sub-division in which the premises of the
club are situated).

Copy to the district council for the district in which the premises of the club are situated.

**Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
(Article 96(3), Schedule 13, para 3 and Article 99(1), Schedule 14, para 4: Rule 11)**

Notice of intention to object to the [registration] [renewal of registration] of a club.

Petty Sessions District of

County Court Division of

TAKE NOTICE that I (full name) of (full address)
(state rank if member of RUC) intend at the magistrates' court
sitting at (place) on (date) at (time) to appear
and object to the [registration] [renewal of registration] of (full name of club)
at (full address of premises of club) on the
following grounds (being grounds specified in Article 96(4) and (6) or Article 99(2) and (4) of
the above Order as the case may be):—

(state briefly and precisely grounds of objection)

Dated this day of 19

Signature of Objector
or his Solicitor

To the applicant

Copy to the clerk of petty sessions at the above-named petty sessions district.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules give effect to Chapter III of Part III of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (Gaming by way of a Gaming Machine) and make provision, in relation to courts of summary jurisdiction, for the various matters which are to be prescribed under Schedules 7, 11, 12, 13 and 14 to the Order in relation to applications for the grant and renewal or revocation of gaming machine certificates; the grant of gaming machine permits; and applications for registration and renewal or revocation of registration of clubs.

Rule 3 specifies the court to which an application for a certificate or permit shall be made and the form of such application (Forms 1 and 2).

Rule 4 sets out the procedure for renewal of a certificate (Form 3).

Rule 5 sets out the matters which must be included in a newspaper notice of any application under the rules in relation to objections to the application.

Rule 6 sets out the procedure for objection to the grant or renewal of a certificate or the grant of a permit and specifies the form of the requisite notice (Form 4).

Rule 7 makes provision for the application for revocation of a certificate (Form 5).

Rule 8 provides for an objection to the revocation of a certificate (Form 6).

Rule 9 specifies the court to which an application for registration of a club shall be made and the form of such application (Form 7).

Rule 10 sets out the procedure for renewal of registration of a club (Form 8).

Rule 11 sets out the procedure for objection to the renewal of registration of a club and specifies the form of the requisite notice (Form 9).

1986 Nos. 134, 135

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.

1986 No. 136**Road Races (Killinchy 150) Order
(Northern Ireland) 1986**

This Order, being of a temporary character, is not printed at length in this volume.