

Draft Order laid before Parliament under section 355(6) of the Gambling Act 2005, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

BETTING, GAMING AND LOTTERIES

The Gambling Act 2005 (Gaming Machines in Adult Gaming Centres and Bingo Premises) Order 2011

Made - - - -

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 172(11)(a) and 355(1) of the Gambling Act 2005(a).

In accordance with section 355(6) of that Act a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Gambling Act 2005 (Gaming Machines in Adult Gaming Centres and Bingo Premises) Order 2011 and comes into force on the day after the day on which it is made.

Amendment of section 172(1)(a) of the Gambling Act 2005

2. For section 172(1)(a) substitute—

“(a) to make available for use on the premises a number of Category B gaming machines not exceeding 20 per cent of the total number of gaming machines which are available for use on the premises.”.

Amendment of section 172(7)(a) of the Gambling Act 2005

3. For section 172(7)(a)(b) substitute—

“(a) to make available for use on the premises a number of Category B gaming machines not exceeding 20 per cent of the total number of gaming machines which are available for use on the premises.”.

Existing premises licences

4. In respect of an adult gaming centre premises licence or a bingo premises licence granted before the date that this Order comes into force, nothing in this Order shall have the effect of

(a) 2005 c.19.

(b) Section 172(7)(a) was amended by S.I. 2009/324.

reducing the number of Category B gaming machines that the holder of such a licence is authorised to make available for use on the premises below the number of such machines that the holder was authorised to make available for use on the premises immediately before the coming into force of this Order.

Provisions relating to new premises licences granted before 1 April 2014

5.—(1) This article applies to an adult gaming centre premises licence or a bingo premises licence granted on or after the date that this Order comes into force but before 1 April 2014.

(2) Before 1 April 2014 section 172(1) and (7) of the Gambling Act 2005 (as amended by this Order) has effect, in relation to a licence to which this article applies, as if the number of Category B gaming machines that the holder of the licence is authorised to make available for use on the premises were—

- (a) in respect of an adult gaming centre premises licence, the number permitted by virtue of article 2, or four, whichever is the greater, and
- (b) in respect of a bingo premises licence, the number permitted by virtue of article 3, or eight, whichever is the greater.

Date

John Penrose
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under section 172(11)(a) of the Gambling Act 2005 (“the Act”), amends sections 172(1) and (7) of the Act for the purpose of varying the potential number of Category B gaming machines that may be authorised to be made available for use in adult gaming centres and bingo premises.

Article 2 amends section 172(1)(a) of the Act so as to allow the number of Category B gaming machines made available for use under an adult gaming centre premises licence to be up to 20 per cent of the total number of gaming machines available for use on the premises.

Article 3 amends section 172(7)(a) of the Act so as to allow the number of Category B gaming machines made available for use under a bingo premises licence to be up to 20 per cent of the total number of gaming machines available for use on the premises.

Article 4 ensures that the provisions in articles 2 and 3 do not result in a reduction in the entitlement to Category B gaming machines for adult gaming centres and bingo premises that were licensed before the date that this Order comes into force. Prior to this Order, the entitlement to Category B gaming machines was for up to four such machines in an adult gaming centre and up to eight such machines in bingo premises.

Article 5 ensures that, for adult gaming centre premises licences and bingo premises licences granted on or after the date that this Order comes into force but before 1 April 2014, the provisions in articles 2 and 3 do not result a lesser entitlement to Category B gaming machines than would have been applicable immediately before the date that this Order comes into force. From 1 April 2014 onwards, the entitlement to Category B gaming machines for adult gaming centres and bingo premises to which this article applies shall be as set out in articles 2 and 3 respectively.

The Categories of Gaming Machine Regulations 2007 (S.I.2007/2158) specify, in regulation 6, that the references to a Category B gaming machine in sections 172(1)(a) and 172(7)(a) of the 2005 Act are to be treated as referring to sub-categories B3 or B4.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the website of the Department for Culture, Media and Sport at www.culture.gov.uk and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.

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