



Gaming Act 1968 (repealed)

1968 CHAPTER 65

PART III

GAMING BY MEANS OF MACHINES

Use of machines for gaming on premises licensed or registered under this Act

Textual Amendments applied to the whole legislation

- F1** Act repealed (1.10.2005 for purposes of the repeal of s. 10, Sch. 1) by [Gambling Act 2005 \(c. 19\)](#), ss. 356(3), 358(1), [Sch. 17](#) (with ss. 352, 354); S.I. 2005/2455, art. 2(1), Sch.

30 Registration under Part III.

The provisions of Schedule 7 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in England and Wales, and the provisions of Schedule 8 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in Scotland.

31 Use of machines by virtue of licence or registration.

- (1) Subject to any direction given under section 32 of this Act, the following provisions of this section shall have effect where any machine to which this Part of this Act applies is used for gaming on any premises in respect of which—
- a licence under this Act is for the time being in force, or
 - a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act.
- [^{F1}(2) The maximum number of machines to which this Part of this Act applies which may be made available for gaming shall be—

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- (a) in the case of premises in respect of which a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act, three,
 - (b) in the case of bingo club premises (as defined by section 20 of this Act), four, and
 - (c) in the case of any other premises in respect of which a licence under this Act is for the time being in force, [^{F2}twenty] .]
- (3) The charge for play for playing a game once by means of any such machine on the premises [^{F3}shall not exceed] one shilling or such other sum as may be specified in an order made by the Secretary of State for the purposes of this subsection.
- [^{F4}(3A) Where any such machine on the premises is able to accept payment of the charge for play in any form other than cash, any object capable of being inserted into the machine to pay for a game or games must be redeemable in accordance with subsection (3B) of this section.
- (3B) Any such object is redeemable in accordance with this subsection if—
- (a) it is redeemable on demand at the premises where the machine is used for gaming at any time when a machine to which this Part of this Act applies is available for use for gaming at those premises;
 - (b) a payment for redeeming it must be made in cash or by cheque (or partly in cash and partly by cheque);
 - (c) any such payment must be of the appropriate amount.
- (3C) The appropriate amount is—
- $$(A + B) - C$$
- $$(A+B)C$$
- where—
- A is the amount paid by or on behalf of the player for the use of the object;
 - B is the amount of any prize credited to the object in accordance with subsection (5B) of this section;
 - C is the amount charged for one or more services, where the object has been used to pay for the services.
- (3D) Subsections (3E) to (3H) of this section apply if—
- (a) a player inserts into any such machine on the premises something which is recognised by the machine as having a value exceeding the highest coin value;
 - (b) the machine immediately holds to the player's credit an amount in respect of the thing ("the initial amount") for the purpose of paying the charge for play for playing games by means of the machine.
- [^{F5}(3E) The initial amount must not exceed the higher of—
- (a) the highest coin value, or
 - (b) the charge for playing a game once by means of the machine.]
- (3F) The machine must not hold any further amount to the player's credit for the purpose of paying the charge for play for playing games by means of the machine unless the player takes action in respect of the machine to indicate that he wishes to play, or continue to play, games by means of the machine.
- (3G) The further amount held to the player's credit by virtue of subsection (3F) of this section must not exceed [^{F6}the higher of—

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- (a) the highest coin value, or
 - (b) the charge for playing a game once by means of the machine.]
- (3H) The highest coin value is the value of the highest denomination coin which, when the games are played—
 - (a) is legal tender in the part of the United Kingdom in which the premises are situated, and
 - (b) is in general circulation in that part of the United Kingdom.]
- [^{F7}(4) In respect of any one game played by means of such a machine on the premises no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than—
 - (a) a prize delivered in the form of cash, or
 - (b) a prize delivered in a form specified in subsection (4A) of this section.
- (4A) The form referred to in subsection (4) of this section is one which enables the person entitled to it to obtain its value—
 - (a) in the form of cash or a cheque drawn in his favour (or partly in the form of cash and partly in the form of a cheque drawn in his favour), and
 - (b) on demand at the premises where the machine is used for gaming at any time when a machine to which this Part of this Act applies is available for use for gaming at those premises.]
- (5) If an amount is prescribed for the purposes of this subsection, [^{F8}the value of the prize in respect of any one game played by means of the machine shall not exceed] the amount so prescribed.
- [^{F9}(5A) Subsections (5B) and (5C) of this section apply where a player or person claiming under a player is entitled to receive a prize in respect of a game played by means of such a machine.
- (5B) The prize may be delivered by crediting any object which is permitted to be inserted into the machine to pay for a game or games by subsection (3A) of this section.
- (5C) Despite subsection (4) of this section, the person entitled to the prize may choose to use all or part of its value to pay for one or more services at the premises at which the machine is used for gaming.]
- (6) If a percentage is prescribed for the purposes of this subsection, then on any premises in respect of which a licence under this Act is for the time being in force there shall not be any such machine which, in accordance with the way in which the machine is constructed, adapted or for the time being regulated, is designed to pay out less than that percentage of the aggregate value of the charges for play inserted in the machine.
- (7) There shall be displayed on any such machine on any such premises as are mentioned in subsection (1) of this section—
 - (a) a statement specifying the value of the prize (or, if there are different prizes, the value of each prize) which can be won by playing a game once by means of the machine;
 - (b) if there are any special circumstances in which that prize (or, as the case may be, those prizes) cannot be won, a statement of those circumstances; and
 - (c) a statement of a percentage as being the percentage or minimum percentage of the aggregate value of the charges for play inserted in the machine which the machine is designed to pay out;

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and, if the manner in which those statements are to be so displayed is prescribed, they shall be displayed in that manner.

- (8) No such machine shall be used for gaming on the premises at any time when the public have access to the premises, whether on payment or otherwise.

[^{F10}(9) In this section “services” includes a game or games on a machine to which this Part of this Act applies.]

Textual Amendments

- F1** S. 31(2) substituted (20.6.1996) by S.I. 1996/1359, **art. 5**
- F2** Word in s. 31(2)(c) substituted (1.10.2005) by Gambling Act 2005 (c. 19), s. 358(1), **Sch. 16 para. 3(5)(a)** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, art. 2(1), Sch.
- F3** Words in s. 31(3) substituted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(3)**
- F4** S. 31(3A)-(3H) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(4)**
- F5** S. 31(3E) substituted (1.10.2005) by Gambling Act 2005 (c. 19), s. 358(1), **Sch. 16 para. 3(5)(b)** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, art. 2(1), Sch.
- F6** Words in s. 31(3G) substituted (1.10.2005) by Gambling Act 2005 (c. 19), s. 358(1), **Sch. 16 para. 3(5)(c)** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, art. 2(1), Sch.
- F7** S. 31(4)(4A) substituted for s. 31(4) (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(5)**
- F8** Words in s. 31(5) substituted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(6)**
- F9** S. 31(5A)-(5C) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(7)**
- F10** S. 31(9) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(8)**

Modifications etc. (not altering text)

- C1** S. 31(3): sum of 50p specified (1.10.1998) for purposes of s. 31(3) by S.I. 1998/2152, **art. 2.**

32 Power for licensing authority to authorise more than two machines.

- (1) In connection with any application for the grant or renewal of a licence under this Act the applicant may request the licensing authority to give

- [^{F11}(a) in the case of any premises, a direction under subsection (2);
(b) in the case of bingo club premises (as defined by section 20), a direction under subsection (3).]

- (2) Where [^{F12}a request is made for a direction under this subsection] , and the licensing authority grant or renew the licence, and, on doing so, give a direction under [^{F13}this subsection] specifying a maximum number of machines, then, in relation to any time when the number of machines to which this Part of this Act applies which are available for gaming on the premises does not exceed the number so specified,—

- (a) the provisions of subsections (2) to (7) of section 31 of this Act shall not have effect in relation to the premises to which the licence relates, but
(b) the provisions of section 34 [^{F14}(5E)] of this Act shall have effect in relation to those premises.

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- [^{F15}(3) Where a request is made for a direction under this subsection, and the licensing authority grant or renew the licence, they may, on doing so, give a direction under this subsection specifying a maximum number of AWP machines.
- (4) At any time when—
- (a) a direction under subsection (3) is in force, and
 - (b) the number of AWP machines available for gaming on the premises does not exceed the number specified in the direction,
- those machines shall be disregarded for the purposes of section 31.
- (5) An “AWP” machine is a machine to which this Part of this Act applies and in respect of which either—
- (a) the conditions specified in section 34(2) and (3), or
 - (b) the conditions specified in section 34(5B) and (5C),
- are observed.
- (6) In the case of a travelling showmen’s pleasure fair, subsection (4) does not apply to a machine which is an AWP machine by virtue of subsection (5)(a) unless the condition specified in section 34(5) is observed.]

Textual Amendments

- F11** S. 32(1)(a)(b) substituted for words (29.3.2002) by [The Deregulation \(Bingo and Other Gaming\) Order 2002 \(S.I. 2002/460\)](#), [art. 3\(2\)](#)
- F12** Words in s. 32(2) substituted (29.3.2002) by [The Deregulation \(Bingo and Other Gaming\) Order 2002 \(S.I. 2002/460\)](#), [art. 3\(3\)\(a\)](#)
- F13** Words in s. 32(2) substituted (29.3.2002) by [The Deregulation \(Bingo and Other Gaming\) Order 2002 \(S.I. 2002/460\)](#), [art. 3\(3\)\(b\)](#)
- F14** Words in s. 32(2)(b) inserted (20.6.1996) by [S.I. 1996/1359](#), [art. 7\(2\)](#)
- F15** S. 32(3)-(6) inserted (29.3.2002) by [The Deregulation \(Bingo and Other Gaming\) Order 2002 \(S.I. 2002/460\)](#), [art. 3\(4\)](#)

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