



# Scotland Act 2016

## 2016 CHAPTER 11

### PART 4

#### OTHER LEGISLATIVE COMPETENCE

#### 52 Gaming machines on licensed betting premises

- (1) In Section B9 in Part 2 of Schedule 5 to the Scotland Act 1998 (betting, gaming and lotteries) at the end insert—

*“Exception*

In the case of a betting premises licence under the Gambling Act 2005, other than one in respect of a track, the number of gaming machines authorised for which the maximum charge for use is more than £10 (or whether such machines are authorised).”

- (2) Section 172 of the Gambling Act 2005 (gaming machines) is amended as follows.

- (3) In subsection (11) for “Secretary of State” substitute “appropriate Minister”.

- (4) After that subsection insert—

“(12) In subsection (11) “the appropriate Minister” means—

- (a) the Scottish Ministers, so far as, in the case of a betting premises licence in respect of premises in Scotland and not in respect of a track, the order varies—
  - (i) the number of gaming machines authorised for which the maximum charge for use is more than £10, or
  - (ii) whether such machines are authorised;
- (b) otherwise, the Secretary of State.”

- (5) In section 355 of that Act (regulations, orders and rules)—

- (a) in subsection (1) after “the Secretary of State” insert “or the Scottish Ministers”, and
- (b) for subsections (9) and (10) substitute—

---

*Status: This is the original version (as it was originally enacted).*

---

- “(9) Subsection (3) does not apply to regulations made by the Scottish Ministers (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010: functions exercisable by Scottish statutory instrument).
- (10) Regulations made by the Scottish Ministers under a provision specified in subsection (4), or under section 285, and an order made by the Scottish Ministers under section 172, shall be subject to the affirmative procedure.
- (11) Any other regulations made by the Scottish Ministers under a provision of this Act shall be subject to the negative procedure.”
- (6) The amendments made by this section do not apply in relation to a betting premises licence issued before this section comes into force.