

Gaming Act 1968

The Local Authority can issue two types of permits:

- Amusement with prizes (Section 34) and
- All-Cash Amusement with prizes (Section 34(5E))

Amusement with prizes (Section 34)

- The charge for playing one game on the machine shall not exceed 30p and should be inserted into the machine in either coins or tokens.
- The successful player shall receive one of the following prizes:
 - Money or tokens not exceeding £5.
 - A non-monetary prize(s) or tokens exchangeable for a non-monetary prize(s) not exceeding the value of £8.
 - A money prize not exceeding £5 together with a non-monetary prize of a value that does not exceed £8, less the amount of the money prize or a token that is exchangeable for a combination of a money prize and non-monetary prize.
 - Tokens that can be used to play further games on the machines or that can be exchanged for a non-monetary prize(s) at the appropriate rate.
 - The option from the machine to play a further game(s) without inserting any more money or tokens.

All-Cash Amusement with prizes (Section 34(5E))

- The charge for playing one game on the machine shall not exceed 30p and should be inserted into the machine in either coins or tokens.
- A successful player of any one game shall receive a money prize not exceeding £25, which is delivered by the machine.
- The grant of an All-Cash Amusement With Prizes Permit is subject to the following conditions:
 - Admission to the premises is restricted to persons over the age of 18, or
 - In the case that admission to the premises is not restricted to persons over the age of 18 the following is complied with:
 - All of the All-Cash machines are located in an area of the premises which is separated from the rest of the premises by a physical barrier which is effective in preventing access otherwise than by means of an entrance designed for the purpose.
 - Only people over the age of 18 are admitted into the area that the All-Cash machines are situated.
 - Access to the area that the All-Cash machines are located in is supervised.
 - The area containing the All-Cash machines is arranged in such a way that it can be observed.
 - Notices are displayed at the entrance and inside the area clearly stating that access to the area is prohibited to persons under the age of 18 years old.

There is a further type of machine offering prize bingo, for which a permit can be granted under section 16 of the Lotteries and Amusements Act 1976. These are available almost exclusively in amusement arcades. If you wish to install such machines, please contact the licensing team on licence.all@bracknell-forest.gov.uk for further information.

Applications

Application for a permit can only be made by the person who is, or proposes to become, if the permit is granted, the occupier of the premises.

From 24th November 2005, responsibility for the grant of permits for amusement with prizes (AWP) machines in premises licensed for the sale of alcohol transferred from the Licensing Justices to the Local Authority. The legislation is contained in paragraph 52 of Schedule 6 to the Licensing Act 2003, the Licensing Act 2003 (Amendment of the Gaming Act 1968) (Transfer of Gaming Machine Permits) Order 2005 and the Licensing Act 2003 (Amendment of the Lotteries and Amusements Act 1976) (Transfer of Amusements With Prizes Order 2005).

Existing permits, granted by the Licensing Justices, are now deemed to have been granted by the City Council, and if the new premises licence has been granted to someone other than the previous holder of the Justices' licence, the permit is now deemed to be held by the new licence holder.

The effect of this will be that holders of existing AWP permits who have converted their Justices' licences to new premises licences need take no further action until either the premises licence is transferred or the permit expires, when a new application (to the local authority) for a permit will be required.

Advice

You are strongly advised to seek assistance from your own legal advisor if they are unsure of any of the provisions of the Gaming Act 1968 and their application to your circumstances. Please note that all monetary limits are subject to change by Parliament, without notice.

Applicants are reminded that any gaming machines may be subject to gaming machine licence duty payable to H.M. Revenue and Customs under the Betting and Gaming Duties Act 1981 - telephone 0845 010 9000.

What kinds of premises are applicable?

Where a machine to which Part III of the Act applies is used for Gaming:

- At any amusement machine premises (i.e. premises used wholly or mainly for the provision of amusement with such machines) at which a Section 34 Permit is in force;
- At any **non**-amusement machine premises (i.e. premises not used wholly or mainly for the provision of amusement with such machines) at which a Section 34 Permit is in force;
- At certain pleasure fairs

What kinds of premises are not applicable?

- Any premises **licensed** under the Act
- A Club **registered** under Part II of the Act
- A miners' welfare institute **registered** under Part II of the Act