

# Applying for a Gaming Licence (Gaming Machines)

Under Part III of the Gaming and Lotteries Acts 1956-2019

Information Leaflet for Applicants



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**An Roinn Dlí agus Cirt**  
Department of Justice

# Applying for a Gaming Licence (Gaming Machines)

Under Part III of the Gaming and Lotteries Acts 1956-2019

## Role of the Minister for Justice

The only role for the Minister for Justice under Part III of the Gaming and Lotteries Act, with regard to gaming machines, is in the setting of stake and prize amounts under section 14.

### [Section 5 of the Gaming and Lotteries \(Amendment\) Act 2019](#)

amends section 14 of the original Gaming and Lotteries Act 1956 to provide now for a maximum stake amount of €5 and a maximum prize amount of €500 in each game. The previous amounts were 3 cent and 50 cent respectively. The Minister for Justice may now alter these stake and prize amounts by regulation.

## Gaming Machines

The definition of gaming machines that may be subject to licensing under Part III of the Gaming and Lotteries Act 1956, is contained in [section 43 of the Finance Act 1975](#) and is as follows:

### N.B.:

This is an advisory document only, and does not purport to be a legal document. If in doubt, please engage professional legal advice.

*“A machine is a gaming machine if—*

*(i) it is constructed or adapted for gaming, and*

*(ii) the player pays to play the machine whether by the insertion of a coin or token or in some other way, and*

*(iii) the outcome of the game is determined by the action of the machine, whether or not provision is made for manipulation of the machine by the player,*

*but a machine which, when played by a player once and successfully, affords that player no more than an opportunity to play again (once or more often) without paying to play shall be deemed not to be a gaming machine”.*

### **Minimum Player Age**

Amended section 14 of the Gaming and Lotteries Act now also makes it an offence to accept a gaming machine stake from a person under the age of 18 years.

### **Licensing of Amusement Halls and Funfairs**

Part III of the 1956 Gaming and Lotteries Act provides for the process of the licensing of Amusement Halls and Funfairs. This involves both gaming machines and premises.

### **Role of Local Authorities**

This process under [sections 12](#) and [13](#) of the 1956 Act involves a local authority resolution to adopt Part III (and thus permit gaming under licence) in respect of the whole or a specified part of its administrative area. Such a resolution may be rescinded by a subsequent vote of the local authority.

### **District Court Certificate**

A person may apply to the relevant District Court for a certificate authorising the issue of a Licence permitting gaming at an amusement hall or funfair. The Court shall have regard to a

range of issues in considering the application for a certificate. A certificate cannot be granted unless other forms of entertainment other than gaming are also provided.

If the certificate is granted, the Court may set out conditions attaching to the certificate limiting the hours during which gaming may be carried on, restricting the kinds of gaming, and the extent to which particular kinds of gaming may be carried on.

### **Licence Application – Revenue Commissioners**

Once a certificate has been issued by the District Court, the applicant may apply to the Revenue Commissioners for a licence for both gaming machines and premises. The Revenue Commissioners will maintain a Register of licences issued.

For more information on the process for applying to the Revenue Commissioners for a Gaming Licence (as well as information on the distinction between a ‘gaming machine’ and an ‘amusement machine’ for Revenue purposes), please follow the link [here](#).

## Q&A

### ***Why is the Minister for Justice not involved in issuing gaming machine licences?***

The 1956 Gaming and Lotteries Act provides for the process for licensing gaming machines and premises. That process sets out the roles of the various actors involved – local authorities, District Court and the Revenue Commissioners.

The Minister for Justice's role is limited to the setting of stake and prize amounts for gaming machines.

### ***Does the Minister for Justice set down the fees charged for a gaming licence?***

The fees involved for machines or premises are a matter for the District Court or Revenue Commissioner.

### ***Why has the Minister introduced a minimum age of 18 years to play gaming machines in amusement arcades or funfairs?***

The introduction of the 18 year requirement for playing gaming machines is part of the approach to standardise the minimum age for all forms of gambling at 18. This requirement must be observed by the operators of gaming machine premises so as not to commit an offence.

### ***Why are gaming machines allowed in some parts of the State and not in others?***

The role of local authorities in adopting a resolution permitting gaming machines in their administrative areas is set out in sections 12 and 13 of the Gaming and Lotteries Act.

This is a matter entirely for the local authorities. The Minister for Justice has no statutory role in the matter.

***Are there plans to change the way that gaming licences will be issued in future?***

The Government is committed to the comprehensive reform of the licensing and regulation of all forms of gambling. The proposed new Gambling Regulator will, when established, be responsible for all matters related to the issuance of gaming machine licences. The role of local authorities, District Court and Revenue Commissioners will cease.

***Can I run a charitable fundraiser using gaming machines?***

If you hold a gaming licence from the Revenue Commissioners, you may allocate the proceeds of the gaming to a charitable cause.

It would be an offence to run gaming with machines for any purpose without a Revenue Commissioner licence.

***Can I get a gaming licence under Part III of the Act if I am only offering the gaming online?***

The licensing provisions in Part III of the Gaming and Lotteries Acts relate only to physical gaming machines and the premises where they are located. There is no current legislative provision to license gaming promoted online.