

Advice regarding when a machine is 'available for use'

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- 1.1** The Commission is aware that there has been some confusion about when a gaming machine is considered 'available for use' given that the Gambling Act 2005 says that only a limited number of certain categories of machines may be made 'available for use' on a premises.
- 1.2** The Commission considers that a gaming machine is available for use if a person can play it. It follows that more than the permitted number of machines may be physically located on a premises, provided the operator has a robust system in place that ensures no more than the permitted number are 'available for use' at any one time. The operator must control this system. We remind operators that if two people can play a gaming machine simultaneously, then the machine counts as two machines.
- 1.3** An example of an appropriate system may be a situation where the power supply for machines of a certain category is controlled by the operator (and is not accessible to the player) so that one machine must be unplugged before another machine can be played. An example of an inappropriate system would be where an additional machine was located on premises and there was a spare plug which a player could plug the machine into at will, allowing play on more than the permitted number of machines.
- 1.4** If an operator does want to put more than the permitted number of machines in a public area the onus will be on the operator to demonstrate that no more than the permitted number of machines are 'available for use' at any one time. The Commission will not hesitate to take action if it finds that more than the permitted number of machines is 'available for use'.
- 1.5** A machine that can operate at more than one category, which is operating at a lower category, does not contribute to the number of machines 'available for use' at a higher category until it switches to that category. However, the operator must also have a system in place for these machines which ensures no more than the permitted number are 'available for use' at any one time.
- 1.6** The Commission permits systems in which a number of machines network so that the player can select which game and category they play at, but which adhere to any restrictions on the number of machines at a certain category.
- 1.7** This note clarifies the position for regulatory purposes. Operators will also need to consider any amusement machine licence duty implications associated with the siting of broken down or spare machines.