



# Gaming Act 1968

## 1968 CHAPTER 65

### PART I

#### GAMING ELSEWHERE THAN ON PREMISES LICENSED OR REGISTERED UNDER PART II OF THIS ACT

#### **1 Gaming to which Part I applies**

- (1) Except as provided by the next following subsection, this Part of this Act applies to all gaming which takes place elsewhere than on premises in respect of which either—
  - (a) a licence under this Act is for the time being in force, or
  - (b) a club or a miners' welfare institute is for the time being registered under Part II of this Act.
- (2) This Part of this Act does not apply to—
  - (a) gaming by means of any machine to which Part III of this Act applies, or
  - (b) gaming to which section 41 of this Act applies, or
  - (c) gaming which constitutes the provision of amusements with prizes in the circumstances specified in section 48(1) or in section 49(1) of the Act of 1963.

#### **2 Nature of game**

- (1) Subject to the following provisions of this section, no gaming to which this Part of this Act applies shall take place where any one or more of the following conditions are fulfilled, that is to say—
  - (a) the game involves playing or staking against a bank, whether the bank is held by one of the players or not ;
  - (b) the nature of the game is such that the chances in the game are not equally favourable to all the players;
  - (c) the nature of the game is such that the chances in it lie between the player and some other person, or (if there are two or more players) lie wholly or partly between the players and some other person, and those chances are not as favourable to the player or players as they are to that other person.

- (2) The preceding subsection shall not have effect in relation to gaming which takes place on a domestic occasion in a private dwelling, and shall not have effect in relation to any gaming where the gaming takes place in a hostel, hall of residence or similar establishment which is not carried on by way of a trade or business and the players consist exclusively or mainly of persons who are residents or inmates in that establishment.

### **3 No charge for taking part in gaming**

- (1) Subject to the following provisions of this section, no gaming to which this Part of this Act applies shall take place in circumstances where (apart from any stakes hazarded) a charge, in money or money's worth, is made in respect of that gaming.
- (2) Subject to the next following subsection, any admission charge shall, unless the contrary is proved, be taken to be a charge made as mentioned in subsection (1) of this section.
- (3) For the purposes of this section a payment which constitutes payment of, or of a quarterly or half-yearly instalment of, an annual subscription to a club, or which constitutes payment of an entrance subscription for membership of a club, shall not be taken to be a charge made as mentioned in subsection (1) of this section:

Provided that this subsection shall not apply to a club unless it is shown that the club is so constituted and conducted, in respect of membership and otherwise, as not to be of a temporary character, and, in relation to an entrance subscription, shall not apply unless it is shown that the payment is not made in respect of temporary membership of the club.

- (4) The preceding provisions of this section shall have effect subject to section 40 of this Act.

### **4 No levy on stakes or winnings**

Without prejudice to the generality of section 3 of this Act, no gaming to which this Part of this Act applies shall take place where a levy is charged on any of the stakes or on the winnings of any of the players, whether by way of direct payment or deduction, or by the exchange of tokens at a lower rate than the rate at which they were issued, or by any other means.

### **5 Gaming in public places**

- (1) No person shall take part in gaming to which this Part of this Act applies—
- (a) in any street, or
  - (b) (subject to the next following section) in any other place to which, whether on payment or otherwise, the public have access.
- (2) A constable may arrest without warrant anyone whom he finds in a street, or in any such place as is mentioned in paragraph (b) of the preceding subsection, and whom he suspects, with reasonable cause, to be taking part in gaming there in contravention of that subsection.
- (3) For the purposes of this section—

- (a) "street" includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public, and, in the application of this section to Scotland, includes also any common close or common stair; and
- (b) the doorways and entrances of premises abutting upon, and any ground adjoining and open to, a street shall be treated as forming part of the street.

## **6 General provisions as to gaming on premises licensed for retail sale of liquor**

- (1) The restriction imposed by section 5(1) of this Act does not apply—
  - (a) to the playing of dominoes or cribbage on any premises to which this section applies, or
  - (b) in the case of any particular premises to which this section applies, to the playing of any other game which is authorised to be played on those premises by an order under subsection (3) of this section which is for the time being in force.
- (2) This section applies to—
  - (a) any premises in respect of which a justices' on-licence (other than a Part IV licence) or a hotel certificate or public house certificate is for the time being in force;
  - (b) any premises in the district specified in Part I of Schedule 9 to the Licensing Act 1964 (the Carlisle district) which are for the time being used for the sale on behalf of the Secretary of State of intoxicating liquor for consumption on the premises ; and
  - (c) any premises in a district specified in Part I of Schedule 8 to the Licensing (Scotland) Act 1959 (State management districts) which are for the time being used for the sale on behalf of the Secretary of State of exciseable liquor for consumption on the premises.
- (3) On the application—
  - (a) of the holder of the licence or certificate, in the case of any such premises as are mentioned in paragraph (a) of subsection (2) of this section, or
  - (b) of the Secretary of State, in the case of any such premises as are mentioned in paragraph (b) or paragraph (c) of that subsection,the licensing justices for the licensing district, or, in Scotland, the licensing court for the licensing area, in which the premises are situated may by order authorise the playing on those premises of a game specified in the order, other than dominoes and cribbage.
- (4) In respect of any premises to which this section applies the licensing justices for the licensing district, or, in Scotland, the licensing court for the licensing area, in which the premises are situated may by order impose such requirements or restrictions with respect to gaming by the playing of dominoes or cribbage, or of any game authorised by virtue of subsection (3) of this section, in a part of those premises to which the public have access as the justices or court may consider necessary to secure that any such gaming in that part of the premises does not take place—
  - (a) for high stakes, or
  - (b) in such circumstances as to constitute an inducement to persons to resort to the premises primarily for the purpose of taking part in any such gaming.

- (5) Where an order under subsection (3) or subsection (4) of this section has been made by licensing justices or a licensing court, the justices or court may at any time revoke or vary the order by a subsequent order.
- (6) On making any order under this section the licensing justices or licensing court shall give notice of the making of the order—
- (a) to the holder of the licence or certificate, in the case of any such premises as are mentioned in paragraph (a) of subsection (2) of this section, or
  - (b) to the Secretary of State, in the case of any such premises as are mentioned in paragraph (b) or paragraph (c) of that subsection,
- and shall send a copy of the notice to the chief officer of police, or, in Scotland, the chief constable, for the police area in which the premises are situated; and any such order shall come into force on the giving of the notice to the holder of the licence or certificate, or to the Secretary of State, as the case may be, and, subject to any subsequent order revoking or varying it, shall continue in force so long as the premises continue to be premises to which this section applies.
- (7) Nothing in this section, or in any order made under this section, shall be construed as affecting the operation of sections 2 to 4 of this Act in relation to gaming on any premises to which this section applies.
- (8) In this section " justices' on-licence ", " Part IV licence " and " licensing district" have the same meanings as in the Licensing Act 1964, and " hotel certificate", " public house certificate " and " licensing area " have the same meanings as in the Licensing (Scotland) Act 1959.

## **7 Special provisions as to persons under 18**

- (1) No person under eighteen shall take part in gaming to which this Part of this Act applies on any premises to which section 6 of this Act applies.
- (2) In the case of any such premises as are mentioned in section 6(2)(a) of this Act, neither the holder of the licence or certificate nor any person employed by him shall knowingly allow a person under eighteen to take part in any such gaming on the premises.
- (3) In the case of any such premises as are mentioned in paragraph (b) or paragraph (c) of section 6(2) of this Act, neither the manager nor any person employed by him, or employed by the Secretary of State under his supervision, shall knowingly allow a person under eighteen to take part in any such gaming on the premises.
- (4) In this section " the manager ", in relation to any such premises as are mentioned in paragraph (b) or paragraph (c) of section 6(2) of this Act, means any person who, in relation to those premises.—
- (a) where they are in England or Wales, is subject to the statutory provisions affecting the holders of licences by virtue of paragraph 8 of Schedule 9 to the Licensing Act 1964, or
  - (b) where they are in Scotland, is subject to the statutory provisions affecting the holders of licences or certificates by virtue of paragraph 8 of Schedule 8 to the Licensing (Scotland) Act 1959.

## 8 Offences under Part I

- (1) If any gaming takes place in contravention of any of the provisions of sections 2 to 4 of this Act, every person concerned in the organisation or management of the gaming shall be guilty of an offence.
- (2) For the purposes of the preceding subsection any person who takes part in procuring the assembly of the players shall be taken to be concerned in the organisation of the gaming.
- (3) Without prejudice to the preceding provisions of this section, where any gaming takes place on any premises, or in any vessel or vehicle, in contravention of any of the provisions of sections 2 to 4 of this Act, any person who, knowing or having reasonable cause to suspect that the premises, vessel or vehicle would be used for gaming in contravention of any of those provisions.—
  - (a) allowed the premises, vessel or vehicle to be used for the purposes of gaming to which this Part of this Act applies, or
  - (b) let, or let on hire, the premises, vessel or vehicle, or otherwise made the premises, vessel or vehicle available, to any person by whom an offence under subsection (1) of this section is committed in connection with the gaming,shall be guilty of an offence.
- (4) Any person guilty of an offence under subsection (1) or subsection (3) of this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding £400 ;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (5) Any person who contravenes section 5(1) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.
- (6) Any person who contravenes section 7(1) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.
- (7) Any person who contravenes subsection (2) or subsection (3) of section 7 of this Act shall be guilty of an offence; and—
  - (a) where the offence is committed in England or Wales, the provisions of subsection (8) of section 169, and of section 194(2), of the Licensing Act 1964, or
  - (b) where the offence is committed in Scotland, the provisions of subsection (7) of section 14 of the Licensing (Scotland) Act 1962,shall have effect as those provisions have effect in relation to an offence under subsection (1) of the said section 169, or to a contravention of subsection (1) of the said section 14, as the case may be.