



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 1

#### INTERPRETATION OF KEY CONCEPTS

##### *Gaming*

#### **6 Gaming & game of chance**

- (1) In this Act “gaming” means playing a game of chance for a prize.
- (2) In this Act “game of chance”—
  - (a) includes—
    - (i) a game that involves both an element of chance and an element of skill,
    - (ii) a game that involves an element of chance that can be eliminated by superlative skill, and
    - (iii) a game that is presented as involving an element of chance, but
  - (b) does not include a sport.
- (3) For the purposes of this Act a person plays a game of chance if he participates in a game of chance—
  - (a) whether or not there are other participants in the game, and
  - (b) whether or not a computer generates images or data taken to represent the actions of other participants in the game.
- (4) For the purposes of this Act a person plays a game of chance for a prize—
  - (a) if he plays a game of chance and thereby acquires a chance of winning a prize, and
  - (b) whether or not he risks losing anything at the game.
- (5) In this Act “prize” in relation to gaming (except in the context of a gaming machine)—
  - (a) means money or money’s worth, and

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) includes both a prize provided by a person organising gaming and winnings of money staked.
- (6) The Secretary of State may by regulations provide that a specified activity, or an activity carried on in specified circumstances, is or is not to be treated for the purposes of this Act as—
- (a) a game;
  - (b) a game of chance;
  - (c) a sport.

## 7 Casino

- (1) For the purposes of this Act a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games.
- (2) In this Act “casino game” means a game of chance which is not equal chance gaming.
- (3) But the Secretary of State may by regulations provide that a specified activity, or an activity carried on in specified circumstances, is to be or not to be treated as a casino game for the purposes of this Act (and subsection (2) is subject to regulations under this subsection).
- (4) For the purposes of this section it is immaterial—
- (a) whether an arrangement is provided on one set of premises or on more than one;
  - (b) whether an arrangement is provided wholly or partly by means of remote communication.
- (5) The Secretary of State shall make regulations by reference to which any casino may be classified as—
- (a) a regional casino,
  - (b) a large casino,
  - (c) a small casino, or
  - (d) below the minimum size for a licensed casino.
- (6) Regulations under subsection (5) may make provision by reference to—
- (a) the number of gaming tables used or designated for the playing of specified casino games or classes of casino game,
  - (b) the location of gaming tables used or designated for the playing of specified casino games or classes of casino game,
  - (c) the concentration of gaming tables used or designated for the playing of specified casino games or classes of casino game,
  - (d) the floor area used or designated for a specified purpose,
  - (e) any combination of the matters listed in paragraph (a) to (d), or
  - (f) any other matter.
- (7) Regulations under subsection (5) may—
- (a) include provision for determining what floor area is to be treated as being used or designated for a purpose;
  - (b) include provision for determining what activities do or do not amount to the playing of a specified casino game or class of casino game;

- (c) include provision for determining what is or is not to be treated as a gaming table (and, in particular, in what circumstances a number of tables are to be treated as if they were a single gaming table);
- (d) provide that a gaming table is to be treated as being used or designated only if specified conditions (which may, in particular, relate to purpose of use, extent of use or circumstances of use) are satisfied.

## **8 Equal chance gaming**

- (1) For the purposes of this Act gaming is equal chance gaming if—
  - (a) it does not involve playing or staking against a bank, and
  - (b) the chances are equally favourable to all participants.
- (2) For the purposes of subsection (1) it is immaterial—
  - (a) how a bank is described, and
  - (b) whether or not a bank is controlled or administered by a player.