



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 3

#### GENERAL OFFENCES

##### *Miscellaneous offences*

#### **41 Gambling software**

- (1) A person commits an offence if in the course of a business he manufactures, supplies, installs or adapts gambling software unless he acts in accordance with an operating licence.
- (2) In this Act “gambling software”—
  - (a) means computer software for use in connection with remote gambling, but
  - (b) does not include anything for use solely in connection with a gaming machine.
- (3) A person does not supply or install gambling software for the purposes of subsection (1) by reason only of the facts that—
  - (a) he makes facilities for remote communication or non-remote communication available to another person, and
  - (b) the facilities are used by the other person to supply or install gambling software.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (5) In the application of subsection (4) to Scotland the reference to 51 weeks shall have effect as a reference to six months.

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*Status: This is the original version (as it was originally enacted).*

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## 42 Cheating

- (1) A person commits an offence if he—
  - (a) cheats at gambling, or
  - (b) does anything for the purpose of enabling or assisting another person to cheat at gambling.
- (2) For the purposes of subsection (1) it is immaterial whether a person who cheats—
  - (a) improves his chances of winning anything, or
  - (b) wins anything.
- (3) Without prejudice to the generality of subsection (1) cheating at gambling may, in particular, consist of actual or attempted deception or interference in connection with—
  - (a) the process by which gambling is conducted, or
  - (b) a real or virtual game, race or other event or process to which gambling relates.
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding the statutory maximum or to both.
- (5) In the application of subsection (4) to Scotland the reference to 51 weeks shall have effect as a reference to six months.
- (6) Section 17 of the Gaming Act 1845 (c. 109) (winning by cheating) shall cease to have effect.

## 43 Chain-gift schemes

- (1) A person commits an offence if he—
  - (a) invites another to join a chain-gift scheme, or
  - (b) knowingly participates in the promotion, administration or management of a chain-gift scheme.
- (2) An arrangement is a “chain-gift” scheme if—
  - (a) in order to participate in the arrangement a person must make a payment to one or more other participants (a “joining fee”), and
  - (b) each person who participates in the arrangement—
    - (i) is required or invited to invite others to participate, and
    - (ii) is encouraged to believe that he will receive the joining fees, or part of the joining fees, of other participants, to an amount in excess of the joining fee paid by him.
- (3) For the purposes of subsection (2)—
  - (a) “payment” means a payment of money or money’s worth, but does not include the provision of goods or services, and
  - (b) it is immaterial whether a payment is made directly or through a person responsible for managing or administering the scheme.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to—

- (a) imprisonment for a period not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (5) In the application of subsection (4) to Scotland or Northern Ireland the reference to 51 weeks shall have effect as a reference to six months.

#### **44 Provision of unlawful facilities abroad**

- (1) A person commits an offence if he does anything in Great Britain, or uses remote gambling equipment situated in Great Britain, for the purpose of inviting or enabling a person in a prohibited territory to participate in remote gambling.
- (2) In subsection (1) “prohibited territory” means a country or place designated for the purpose of this section by order made by the Secretary of State.
- (3) An order under subsection (2) shall prescribe the mode of trial and maximum penalty for an offence under subsection (1).