



Gambling Act 2005

2005 CHAPTER 19

PART 18

MISCELLANEOUS AND GENERAL

General

353 Interpretation

(1) In this Act, except where the context otherwise requires—

- “adult” means an individual who is not a child or young person,
- “adult gaming centre” has the meaning given by section 237,
- “alcohol licence” has the meaning given by section 277,
- “authorised local authority officer” has the meaning given by section 304,
- “authorised person” has the meaning given by that section,
- “betting” has the meaning given by sections 9 to 11, 37 and 150,
- “betting intermediary” has the meaning given by section 13,
- “bingo” means any version of that game, irrespective of by what name it is described,
- “casino” has the meaning given by section 7,
- “casino game” has the meaning given by that section,
- “Category A gaming machine” (or B, C or D) means a gaming machine falling within Category A (or B, C or D) as prescribed under section 236,
- “chief constables of police forces” has the same meaning in relation to England and Wales as in the Police Act 1996 (c. 16),
- “child” has the meaning given by section 45,
- “club gaming permit” has the meaning given by section 271,
- “club machine permit” has the meaning given by section 273,
- “commercial club” has the meaning given by section 267,
- “the Commission” means the Gambling Commission,
- “director”—

Status: This is the original version (as it was originally enacted).

- (a) has the meaning given by section 741 of the Companies Act 1985 (c. 6), and
- (b) includes a shadow director within the meaning of that section,
 - “dog track” means premises which are designed, used or adapted for use for dog-racing,
 - “draw”, in relation to a lottery, has the meaning given by section 255,
 - “EEA State” means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as it has effect from time to time),
 - “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament,
 - “enforcement officer” means a person designated or appointed as an enforcement officer under section 303,
 - “equal chance gaming” has the meaning given by section 8,
 - “exempt lottery” has the meaning given by section 258,
 - “external lottery manager” has the meaning given by section 257,
 - “fair” has the meaning given by section 286,
 - “family entertainment centre” has the meaning given by section 238,
 - “family entertainment centre gaming machine permit” has the meaning given by section 247,
 - “football pools” means an arrangement whereby—
 - (a) people compete for prizes by forecasting the results of association football games, and
 - (b) each entry to the competition must forecast the results of at least four games,
 - “gambling” has the meaning given by section 3,
 - “gambling software” has the meaning given by section 41,
 - “game of chance” has the meaning given by section 6,
 - “gaming” has the meaning given by that section,
 - “gaming machine” has the meaning given by section 235,
 - “horse-race course” means premises which are designed, used or adapted for use for horse-racing,
 - “horse-race pool betting” has the meaning given by section 12,
 - “large casino” has the meaning given by regulations under section 7(5),
 - “licensed family entertainment centre” has the meaning given by section 238,
 - “licensed premises gaming machine permit” has the meaning given by section 283,
 - “the licensing objectives” has the meaning given by section 1,
 - “licensing authority” has the meaning given by section 2,
 - “lottery” has the meaning given by section 14 (and section 256),
 - “lottery manager’s operating licence” has the meaning given by section 98,
 - “lottery ticket” has the meaning given by section 253,
 - “machine” has the meaning given by section 235(3)(a),
 - “members’ club” has the meaning given by section 266,
 - “miners’ welfare institute” has the meaning given by section 268,

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“the National Lottery” has the meaning given by section 1 of the National Lottery etc. Act 1993 (c. 39)),

“non-commercial betting” has the meaning given by section 302,

“non-commercial gaming” has the meaning given by section 297,

“non-commercial society” has the meaning given by section 19,

“occasional use notice” means a notice given under section 39,

“operating licence” means a licence issued under Part 5,

“on-premises alcohol licence” has the meaning given by section 277,

“participant”, in relation to a game of chance, includes a person who discharges an administrative or other function in relation to the game,

“participation fee” has the meaning given by section 344,

“passenger vessel” means a vessel which is carrying or expected to carry at least one passenger,

“personal licence” means a licence issued under Part 6,

“pool betting” has the meaning given by section 12,

“premises” includes any place and, in particular—

(a) a vessel, and

(b) a vehicle,

“premises licence” means a licence issued under Part 8,

“private betting” has the meaning given by section 295 and Part 2 of Schedule 15,

“private gaming” has the meaning given by section 295 and Part 1 of Schedule 15,

“private gain” is to be construed in accordance with section 19(3),

“prize” in relation to gaming (except in the context of a gaming machine) has the meaning given by section 6,

“prize” in relation to a gaming machine has the meaning given by section 239,

“prize” in relation to a lottery has the meaning given by section 14,

“prize gaming” has the meaning given by section 288,

“prize gaming permit” has the meaning given by section 289,

“proceeds”, in relation to a lottery, has the meaning given by section 254,

“profits”, in relation to a lottery, has the meaning given by that section,

“profits”, in relation to non-commercial prize gaming, has the meaning given by section 299,

“racecourse” means premises on any part of which a race takes place or is intended to take place,

“real”, in relation to a game, event or process means non-virtual,

“relevant offence” has the meaning given by section 126 and Schedule 7,

“remote communication” has the meaning given by section 4,

“remote gambling” has the meaning given by that section,

“remote gambling equipment” has the meaning given by section 36,

“remote operating licence” has the meaning given by section 67,

“rollover”, in relation to a lottery, has the meaning given by section 256,

“small casino” has the meaning given by regulations under section 7(5),

“society” includes a branch or section of a society,

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“stake” means an amount paid or risked in connection with gambling and which either—

- (a) is used in calculating the amount of the winnings or the value of the prize that the person making the stake receives if successful, or
- (b) is used in calculating the total amount of winnings or value of prizes in respect of the gambling in which the person making the stake participates,

“supply” includes—

- (a) sale,
- (b) lease, and
- (c) placing on premises with permission or in accordance with a contract or other arrangement,

“temporary use notice” has the meaning given by section 215,

“track” means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place,

“travelling fair” has the meaning given by section 286,

“vehicle” includes—

- (a) a train,
- (b) an aircraft,
- (c) a seaplane, and
- (d) an amphibious vehicle (other than a hovercraft within the meaning of the Hovercraft Act 1968 (c. 59)),

“vessel” includes—

- (a) anything, other than a seaplane or an amphibious vehicle, designed or adapted for navigation or other use in, on or over water,
- (b) a hovercraft (within the meaning of the Hovercraft Act 1968), and,
- (c) anything, or any part of any place, situated in or on water,

“virtual” has the meaning given by subsection (3) below,

“winnings”, in relation to a bet, means anything won, whether in money or in money’s worth, and

“young person” has the meaning given by section 45.

(2) In this Act, except where the context otherwise requires—

- (a) a reference to accepting a bet includes a reference to negotiating a bet,
- (b) a reference to advertising is to be construed in accordance with section 327,
- (c) a reference to participating in a lottery is to be construed in accordance with section 14,
- (d) a reference to installing computer software includes a reference to downloading computer software,
- (e) a reference to paying winnings in relation to a bet includes a reference to providing a prize in money’s worth,
- (f) a reference to postal services does not include a reference to facsimile transmission,
- (g) a reference to premises includes a reference to part of premises,
- (h) a reference to promoting a lottery is to be construed in accordance with section 252,
- (i) a reference to providing facilities for gambling is to be construed in accordance with section 5,

- (j) a reference to publication includes a reference to display, and
 - (k) a reference to the sale, supply or purchase of a lottery ticket is to be construed in accordance with section 253.
- (3) For the purposes of this Act a reference to a virtual game, race or other event or process is a reference to—
- (a) images generated by computer so as to resemble all or part of a game, race or other event or process of a kind that is played by or involves actual people, animals or things,
 - (b) images generated by computer so as to represent an imaginary game, race or other event or process, or
 - (c) any game, race or other event or process the result of which is determined by computer.
- (4) A requirement under this Act to give a notice (or to notify) is a requirement to give notice in writing; and for that purpose—
- (a) a message sent by facsimile transmission or electronic mail shall be treated as a notice given in writing, and
 - (b) a notice sent to a licensee at the address specified for that purpose in the licence shall, unless the contrary is proved, be treated as reaching him within a period within which it could reasonably be expected to reach him in the ordinary course of events.
- (5) A reference in this Act to an act which is authorised by a licence or other document does not include a reference to an act which would be authorised by the licence or document but for failure to comply with a term or condition.