

## **EXPLANATORY NOTES**

### **GAMBLING ACT 2005**

#### **INTRODUCTION**

#### **BACKGROUND**

#### **SUMMARY OF THE ACT**

#### **STRUCTURE OF THE ACT**

#### **TERRITORIAL EXTENT**

**Territorial application: Wales**

**Territorial application: Scotland**

**Territorial limits – vessels and aircraft**

#### **PART 1: INTERPRETATION OF KEY CONCEPTS**

Section 1: The licensing objectives

Section 2: Licensing authorities

Section 3: Gambling

Section 4: Remote gambling

Section 5: Facilities for gambling

Section 6: Gaming and game of chance

Section 7: Casino

Section 8: Equal chance gaming

Section 9: Betting: general

Section 10: Spread bets &c.

Section 11: Betting: prize competitions

Section 12: Pool betting

Section 13: Betting intermediary

Section 14: Lottery

*These notes refer to the Gambling Act 2005 (c.19)*

Section 15: National Lottery

Section 16: Betting and gaming

Section 17: Lotteries and gaming

Section 18: Lotteries and betting

Section 19: Non-commercial society

Schedule 1: Betting: prize competitions: definition of payment to enter

Schedule 2: Lotteries: definition of payment to enter

Schedule 3: Amendment of the National Lottery etc. Act 1993 (c.39)

## **PART 2: THE GAMBLING COMMISSION**

Section 20: Establishment of the Commission

Section 21: Gaming Board: transfer to Commission

Section 22: Duty to promote the licensing objectives

Section 23: Policy for licensing and regulation

Section 24: Codes of practice

Section 25: Guidance to local authorities

Section 26: Duty to advise the Secretary of State

Section 27: Compliance

Section 28: Investigation and prosecution of offences

Section 29: Licensing authority information

Section 30: Other exchange of information

Section 31: Consultation with the National Lottery Commission

Section 32: Consultation with Commissioners of Customs and Excise

Schedule 4: The Gambling Commission

Schedule 5: Transfer from Gaming Board to Gambling Commission:  
supplementary provision

Schedule 6: Exchange of information: persons and bodies

## **PART 3: GENERAL OFFENCES**

Sections 33 to 35: Provision of facilities for gambling

Section 36: Territorial application

Sections 37 & 38: Use of premises

*These notes refer to the Gambling Act 2005 (c.19)*

Section 39: Exception: occasional use notice

Section 40: Exception: football pools

Section 41: Gambling software

Section 42: Cheating

Section 43: Chain-gift schemes

Section 44: Provision of unlawful facilities abroad

#### **PART FOUR: PROTECTION OF CHILDREN AND YOUNG PERSONS**

Section 45: Meaning of child and young person

Sections 46 & 48: Inviting children and young persons to gamble; participation by young persons in gambling

Sections 47 & 49: Invitation to enter premises; young persons entering premises

Section 50: Provision of facilities for gambling

Sections 51 to 55: Employment offences

Section 56: Invitation to participate in lottery

Section 57: Invitation to participate in football pools

Section 58: Return of stake

Section 59: Age limit for category D machines

Section 60: Temporary use notice

Section 61: Meaning of employment

Section 62: Penalty

Section 63: Reasonable belief about a person's age

Section 64: Use of children in enforcement operations

#### **PART 5: OPERATING LICENCES**

Section 65: Nature of licence

Section 66: Form of licence

Section 67: Remote gambling

Section 68: Combined licence

Section 69: Application

Section 70: Consideration of applications: general principles

*These notes refer to the Gambling Act 2005 (c.19)*

Section 71: Consideration of application: criminal record

Section 72: Consideration of application: demand

Section 73: Procedure

Section 74: Determination of application

Sections 75 to 78: Licence Conditions

Section 79: Scope of powers to attach conditions

Section 80: Requirement for personal licence

Section 81: Credit and inducements

Section 82: Compliance with code of practice

Section 83: Return of stakes to children

Section 84: Premises

Section 85: Equipment

Section 86: Gaming machines

Section 87: Membership

Section 88: Information

Section 89: Remote operating licence

Section 90: Casino operating licence

Section 91: Bingo operating licence

Section 92: General betting operating licence

Section 93: Pool betting operating licence

Section 94: Horse-race pool betting operating licence

Section 95: Betting on the National Lottery

Section 96: Gaming machine technical operating licence

Section 97: Gambling software: operating licence: standards

Section 98: Lottery operating licences

Section 99: Mandatory conditions of lottery operating licence

Section 100: Annual fee

Section 101: Change of circumstance

Sections 102 & 103: Change of corporate control

*These notes refer to the Gambling Act 2005 (c.19)*

Section 104: Application to vary licence

Section 105: Amendment

Section 106: Register of operating licences

Sections 107 & 108: Copy of licence and production of licence

Section 109: Conviction

Sections 110 & 111: Duration

Section 112: Renewal of licence

Sections 113 & 114: Surrender and Lapse

Section 115: Forfeiture

Section 116: Review

Sections 117 to 121: Regulatory powers

Section 122: Information

Section 123: Levy

Section 125: Relevant offence: disapplication of rehabilitation

Section 126: Interpretation

Schedule 7: Relevant offences

## **PART 6 – PERSONAL LICENCES**

Section 127: Nature of personal licence

Section 128: Application of provisions of Part 5

Section 129: Exemption for small scale operators

Section 130: Application

Sections 131 & 135: Duration and Review

Section 132: Fees

Section 133: Multiple licences

Section 134: Production of licence

Section 136: Disqualification

Sections 137 & 138: Notification requirements

Section 139: Breach of personal licence condition

## **PART 7: OPERATING AND PERSONAL LICENCES: APPEALS**

*These notes refer to the Gambling Act 2005 (c.19)*

Section 140: The Gambling Appeals Tribunal

Section 141: Appeal to Tribunal

Section 142: Timing

Section 143: Appeal from Tribunal

Section 144: Powers of Tribunal

Section 145: Stay pending appeal

Section 146: Rules

Section 147: Fees

Section 148: Legal Assistance

Section 149: Enforcement of Costs Orders

Schedule 8: Gambling Appeals Tribunal

Paragraphs 1 and 2: President, deputy and members

Paragraph 3: Tenure

Paragraph 4: Staff

Paragraphs 5 to 8: Money

Paragraph 9 to 11: Sittings

Paragraphs 12 to 14: Procedure

Paragraph 15: Council on Tribunals

Paragraph 16: Disqualification

**PART 8: PREMISES LICENCES**

Section 150: Nature of licence

Section 151: Form of licence

Section 152: Combined licence

Section 153: Principles to be applied

Section 154: Delegation to licensing committee

Section 155: Delegation of functions under Part 8: Scotland

Section 156: Register

Section 157: Responsible authorities

Section 158: Interested party

*These notes refer to the Gambling Act 2005 (c.19)*

Sections 159 to 161: Applications

Sections 162 to 165: Determination of application

Section 166: Resolution not to issue casino licence

Sections 167 to 171: Conditions

Section 172: Gaming machines

Section 173: Virtual gaming

Section 174: Casino premises licence

Section 175: Casino premises licence: overall limits

Schedule 9: Applications for casino premises licences

Section 176: Casino premises licence: access by children

Section 177: Credit

Section 178: Door supervision

Section 179: Pool betting on track

Section 180: Pool betting on dog races

Section 181: Betting machines

Section 182: Exclusion of children from track areas

Section 183: Christmas Day

Section 184: Annual fee

Section 185: Availability of licence

Section 186: Change of circumstance

Section 187: Application to vary licence

Sections 188 & 189: Transfer

Section 190: Copy of licence

Section 191: Initial duration

Section 192: Surrender

Section 193: Revocation for failure to pay fee

Section 194: Lapse

Sections 195 & 196: Reinstatement

Section 197: Application for review

*These notes refer to the Gambling Act 2005 (c.19)*

Sections 198 & 199: Consideration of application

Section 200: Initiation of review by licensing authority

Sections 201 to 203: Review

Sections 204 & 205: Provisional statement

Sections 206 to 209: Rights of Appeal

Section 210: Planning permission

Section 211: Vessels and vehicles

Section 212: Fees

### **PART 9: TEMPORARY USE OF PREMISES**

Sections 214 to 218: Temporary use notice

Sections 219 & 220: Giving notice: procedure

Sections 221 to 223: Objections and modification by agreement

Sections 224 to 226: Counter-notices and dismissal of objections

Section 227: Endorsement of notice

Section 228: Consideration by licensing authority: timing

Sections 229 & 230: Miscellaneous provisions

Section 231: Vehicles and vessels

Section 232: Delegation of licensing authority functions: England and Wales

Section 233: Delegation of licensing authority functions: Scotland

Section 234: Register

### **PART 10: GAMING MACHINES**

Section 235: Gaming machine

Section 236: Gaming machines: Categories A to D

Sections 237 to 239: Other definitions

Sections 240 & 241: Use and supply of machines

Section 242: Making machine available for use

Section 243: Manufacture, supply etc.

Section 244: Linked machines

Section 245: Credit



*These notes refer to the Gambling Act 2005 (c.19)*

Section 247: Family entertainment centre permits

Schedule 10: Family Entertainment Centre gaming machine permits

Sections 248 & 249: No and limited prizes

Section 250: Single-machine supply and maintenance permits

**PART 11: LOTTERIES**

Section 252: Promoting a lottery

Section 253: Lottery ticket

Sections 254 to 256: Key terms

Section 257: External lottery manager

Section 258: Promotion of lottery

Section 259: Facilitating a lottery

Section 260: Misusing profits of lottery

Section 261: Misusing profits of an exempt lottery

Section 262: Small society lottery: breach of condition

Section 263: Penalty

Section 264: Exclusion of the National Lottery

Section 265: Territorial Application

Schedule 11: Exempt lotteries

**PART 1: INCIDENTAL NON-COMMERCIAL LOTTERIES**

**PART 2: PRIVATE LOTTERIES**

**PART 3: CUSTOMER LOTTERY**

**PARTS 4 AND 5: SMALL SOCIETY LOTTERIES**

**PART 6: POWERS TO IMPOSE ADDITIONAL RESTRICTIONS**

**PART 7: GENERAL**

**PART 12: CLUBS, PUBS, FAIRS, &C.**

Sections 266 to 268: Definitions of eligible clubs

Sections 269 & 270: Exempt gaming

Sections 271 & 272: Club gaming permit

Section 273: Club machine permit

*These notes refer to the Gambling Act 2005 (c.19)*

Section 274: Procedure

Schedule 12: Club gaming permits and club machine permits

Sections 275 & 281: Bingo in clubs and alcohol licensed premises

Sections 277 & 278: Alcohol licensed premises

Sections 279 & 280: Exempt gaming

Section 282: Gaming machines: automatic entitlement

Section 283: Licensed premises gaming machine permits

Schedule 13: Licensed premises gaming machine permits

Section 284: Removal of exemption

Section 285: Permits for clubs, pubs etc.: special provision for Scotland

Sections 286 & 287: Travelling fairs

### **PART 13: PRIZE GAMING**

Section 288: Meaning of “prize gaming”

Section 289: Prize gaming permits and Schedule 14

Sections 290 & 292: Prize gaming in gaming and entertainment centres and fairs

Section 291: Bingo halls

Section 293: Conditions for prize gaming

Section 294: Power to restrict exemptions

### **PART 14: PRIVATE AND NON-COMMERCIAL GAMING AND BETTING**

Sections 295 & 296: Private betting and gaming

Schedule 15: Private gaming and betting

#### **PART 1: GAMING**

#### **PART 2: BETTING**

Sections 297 to 301: Non-commercial gaming

Section 302: Non-commercial betting

#### **PART 15: INSPECTION**

Section 303: Enforcement officers

Section 304: Authorised persons

*These notes refer to the Gambling Act 2005 (c.19)*

Section 305: Compliance

Section 306: Suspected offence

Section 307: Inspection of gambling

Section 308: Operating licence holders

Section 309: Family entertainment centres

Section 310: Premises licensed for alcohol

Section 311: Prize gaming permit

Section 312: Clubs

Section 313: Licensed premises

Section 314: Lotteries: registered societies

Section 315: Temporary use notice

Section 316: Authorisations: production on demand

Section 317: Powers

Section 318: Dwellings

Section 319: Records

Section 320: Timing

Section 321: Evidence of authorisation

Section 322: Information

Section 323: Use of force

Section 324: Person accompanying inspector, &c.

Section 325: Securing premises after entry

Section 326: Obstruction

## **PART 16: ADVERTISING**

Section 327: Meaning of “advertising”

Section 328: Regulations

Section 329: Broadcasting

Section 330: Unlawful gambling

Section 331: Foreign gambling

Section 332: Territorial application: non-remote advertising

*These notes refer to the Gambling Act 2005 (c.19)*

Section 333: Territorial application: remote advertising

**PART 17: LEGALITY AND ENFORCEMENT OF GAMBLING CONTRACTS**

Section 334: Repeal of provisions preventing enforcement

Section 335: Enforceability of gambling contracts

Section 336: Power of Gambling Commission to void bet

Section 337: Supplementary

Section 338: Interim Moratorium

**PART 18: MISCELLANEOUS AND GENERAL**

Section 339: Prize competitions

Section 340: Foreign Betting

Section 341: Offence committed by body

Section 342: False information

Section 343: Value of Prize

Section 344: Participation Fees

Section 345: Forfeiture

Section 346: Prosecution by licensing authority

Section 347: Prosecution: time limit

Section 348: Excluded premises

Section 349: Three-year licensing policy

Section 350: Exchange of information

Section 351: Power to amend Schedule 6

Section 352: Data protection

Section 353: Interpretation

Section 354: Crown application

Section 355: Regulations, orders and rules

Section 356: Amendments and repeals

Section 357: Money

Section 358: Commencement and Schedule 18

Sections 359 & 360: Vessels and Aircraft: Territorial limitation

*These notes refer to the Gambling Act 2005 (c.19)*

Section 361: Extent

**COMMENCEMENT**

**DETAILS OF THE BILL'S PASSAGE THROUGH PARLIAMENT**