



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 3

#### GENERAL OFFENCES

##### *Provision of facilities for gambling*

### **33 Provision of facilities for gambling**

- (1) A person commits an offence if he provides facilities for gambling unless—
  - (a) an exception provided for in subsection (2) or (3) applies, or
  - (b) an exception provided for by any of the following provisions applies—
    - (i) sections 34 and 35,
    - (ii) sections 269 and 271 (clubs and miners' welfare institutes),
    - (iii) section 279 (premises with alcohol licence),
    - (iv) sections 289 to 292 (prize gaming),
    - (v) section 296 (private gaming and betting), and
    - (vi) section 298 (non-commercial gaming).
- (2) Subsection (1) does not apply to any activity by a person if—
  - (a) he holds an operating licence authorising the activity, and
  - (b) the activity is carried on in accordance with the terms and conditions of the licence.
- (3) Subsection (1) does not apply to any activity by a person if—
  - (a) he acts in the course of a business carried on by a person who holds an operating licence authorising the activity, and
  - (b) the activity is carried on in accordance with the terms and conditions of the licence.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to—

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*Status: This is the original version (as it was originally enacted).*

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- (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.

**34 Exception: lotteries**

Section 33 shall not apply to the provision of facilities for a lottery.

**35 Exception: gaming machines**

Section 33 shall not apply to making a gaming machine available for use.

**36 Territorial application**

- (1) For the purposes of section 33 it is immaterial whether facilities are provided—
  - (a) wholly or partly by means of remote communication;
  - (b) subject to subsections (2) and (3), inside the United Kingdom, outside the United Kingdom, or partly inside and partly outside.
- (2) Section 33 applies to the provision of facilities for non-remote gambling only if anything done in the course of the provision of the facilities is done in Great Britain.
- (3) Section 33 applies to the provision of facilities for remote gambling only if at least one piece of remote gambling equipment used in the provision of the facilities is situated in Great Britain (but whether or not the facilities are provided for use wholly or partly in the United Kingdom).
- (4) In this Act “remote gambling equipment” means, subject to subsection (5), electronic or other equipment used by or on behalf of a person providing facilities for remote gambling—
  - (a) to store information relating to a person’s participation in the gambling,
  - (b) to present, to persons who are participating or may participate in the gambling, a virtual game, virtual race or other virtual event or process by reference to which the gambling is conducted,
  - (c) to determine all or part of a result or of the effect of a result, or
  - (d) to store information relating to a result.
- (5) In this Act “remote gambling equipment” does not include equipment which—
  - (a) is used by a person to take advantage of remote gambling facilities provided by another person, and
  - (b) is not provided by that other person.